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COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

SUMMARY RECORD (PARTIAL)* OF THE 520th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 January 1999, at 3 p.m.

Chairperson: Miss MASON

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COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES

* No summary record was prepared for the rest of the meeting (closed).

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-40236 (E)

The meeting was called to order at 3.05 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 6)

1. Mrs. MILLER (United Nations Children's Fund (UNICEF)) said that several documents on recent UNICEF activities were available to the members of the Committee. Among them was a summary of the international preparatory meeting held in December 1998 in connection with the "What Do You Think?" pilot initiative on child participation in the CRC reporting process. The project was to be launched in 12 pilot countries, namely, Belgium, Germany, Italy, Mali, Mexico, Philippines, Romania, South Africa, Spain, Switzerland, United Kingdom and Viet Nam. The participants had been informed of the Committee's receptivity to the idea of children reporting their views on the respect of their rights. The meeting had been co-facilitated by the NGO Group for the Convention on the Rights of the Child.

2. Also included in the documentation was a letter from the Norwegian Ombudsman for Children, Mr. Trond Waage, following a meeting with the United Nations High Commissioner for Human Rights, which listed the arguments for promoting the existence of independent offices for children such as his own.

3. She drew attention also to the publication Managing Child Rights in East Asia and the Pacific, which outlined 10 years' experience in implementing the Convention in a number of countries, identified the lessons to be learned from that experience and outlined recommendations. There was also a report from the East Asia office of UNICEF on training trainers and a report on the "Young people in crisis" meeting held in late 1998 in Brazil, which concluded that situation analyses should be broadened to cover young children up to the age of 18, as opposed to concentrating exclusively on the very young.

4. Mr. HERNANDEZ PULIDO (International Labour Organization (ILO)) said that, at its December 1998 meeting, the ILO Committee of Experts on the Application of Conventions and Recommendations had reviewed the information contained in the reports submitted by States parties to the Committee on the Rights of the Child in the course of its appraisal of the application of ILO Conventions Nos. 5, 59, 123 and 138. Information provided by the Committee had also featured in the conclusions forwarded to a number of countries. Such cooperation served to strengthen the links between the Committee and the ILO supervisory bodies.

5. A Declaration on Fundamental Principles and Rights at Work, which included the rights of working children, had recently been adopted and the follow-up was currently being discussed by the ILO Governing Body. Following discussions during the International Labour Conference (ILC) in June 1998 regarding a new instrument on the prohibition and elimination of the worst forms of child labour, it had been decided that a corresponding convention and recommendation would be adopted at the 1999 Conference.

6. He thanked the Committee for the information it had provided which would be incorporated in the 1999 ILC Record of Proceedings. The new ILO Convention would make a significant contribution to international efforts to combat child

labour. Meanwhile, Convention No. 138 concerning the minimum age for admission to employment was likewise extremely important in that regard and the ILO Governing Body and the ILC welcomed the fact that the Committee often encouraged the States parties to ratify that core ILO convention.

7. Ms. LILJESTRAND (World Health Organization (WHO)), introducing the proposed WHO 1999 work plan for the promotion and protection of the rights of children and adolescents in connection with health and health care, said that her organization had a contribution to make to the work of the Committee by helping countries to attach the proper importance to survival, health and health care when assessing their progress in implementing the rights of their children; it could also help the Committee to make practical and realistic recommendations to countries on overcoming constraints to children's rights in those areas and it could itself benefit from the high political profile and powerful advocacy role of the Committee to stimulate countries to develop effective child health activities.

8. In 1998, WHO had implemented a work plan to devise a more comprehensive policy on child and adolescent rights, while efforts had been made to strengthen WHO input into the reporting process of the Convention on the Rights of the Child and to provide technical support to countries with a view to correcting the health problems identified by the Committee.

9. The three main areas of work for 1999 were improving WHO capacity to act on issues relating to the rights of children and adolescents, continuing and strengthening the provision of technical support to the work of the Committee and continuing and strengthening its collaboration with other relevant bodies in working towards the progressive realization of the right to health and health care of all children and adolescents.

10. Mr. TAPLIN (International Monetary Fund (IMF)) said that the IMF mandate, which centred on medium-term economic and financial matters, might appear to have little in common with that of the Committee. Nonetheless, social and other policies were more likely to be successful in a stable macroeconomic environment. As far as IMF activities were concerned, therefore, the Committee's interest would tend to lie in the social dimensions of economic and financial policy in the areas, for instance, of taxation and government expenditure policy.

11. The suggestion had been made that the IMF should focus more closely on social concerns, and, consequently, it had, among other measures, organized a high-level seminar involving academics, research institutions and IMF staff members to study the impact of its policies on income distribution and equity. The allegation had also been made that the Fund's activities lacked transparency but the immense volume of information currently available on the IMF Website demonstrated the substantial efforts that had been devoted to rectifying that situation.

12. For instance, one of the documents available there was a study that had been conducted into the strengths, weaknesses and failures of IMF policies and activities in Korea, Indonesia and Thailand over the previous 18 months, following the onset of the East Asian economic crisis. It was the first time that such an extensive internal assessment had been carried out, but the

candid conclusions of the study had unfortunately been misconstrued in some quarters. Another area of potential overlap between the activities of the IMF and the concerns of the Committee related to the quality of governance, as reflected in such areas as fiscal policy, central bank activities and the integrity of judicial institutions.

13. As for the more general topic of cooperation between international bodies, WHO and IMF had frequently discussed the possibilities of closer cooperation, for instance the use of WHO health indicators by the IMF in designing public sector policies which, beyond the immediate practical benefit, would serve to make IMF staff more sensitive and responsive to specific needs. In policy dialogue with its member States, the IMF regularly sought to obtain indicators on the potential effects of the adjustment process on such areas as health, education, social security nets and other mechanisms to protect the most vulnerable sectors of society. It sought to emphasize the desirability of productive expenditure on, for instance, education or health, rather than non-productive expenditure.

14. The IMF's heightened sensitivity to the social impact of its programmes was demonstrated by the fact that, in policy discussions with Indonesia, the budgetary targets initially proposed had been reduced in order to accommodate the continued payment of food subsidies to vulnerable groups. While such examples might not appear to be immediately relevant to the implementation of the rights of the child, the IMF's work in the international financial sector certainly influenced the framework within which child rights were implemented.

15. Mrs. SARDENBERG said she welcomed the UNICEF initiative to encourage the participation of children and asked whether the Fund intended to expand the number of countries involved and, more generally, what the next step would be. In that connection, it would be helpful to know whether UNICEF intended to integrate the child participation project into its country programmes. The letter prepared by UNICEF regarding the role of ombudsmen in the implementation of the Convention was of significant interest, as was the report of the programming meeting on health and development rights held in Brazil in 1998. Although the Committee had found that ombudsmen had proved useful in many cases, there were some countries which were reluctant to institute such an office.

16. She would like to know what the prospects were for the adoption of the draft ILO convention addressing the matter of working children. She was enthusiastic about the WHO work plan and was anxious to hear when it was likely to be adopted and implemented.

17. Lastly, she welcomed the presence of the representative of the IMF, an organization that was all too often invoked by States parties to the Convention when explaining their economic difficulties. The reports submitted to the Committee described the economic situation of countries from the viewpoint of Governments; it might be very useful to have the Fund's assessments as well, and she wondered whether it would consider sharing such information with the Committee.

18. Mrs. MOKHUANE said that the Committee had reviewed the reports of a number of countries which had undergone structural adjustment regimes for as

long as 10 years without any obvious signs of improvement. She would be interested to hear, therefore, how long it should take, under normal circumstances, and given stable political conditions and a sound fiscal policy, to reap the positive effects of structural adjustment. The economic condition of a country had, of course, a profound bearing on its ability to make improvements in the social and educational spheres.

19. She would like to know more about the role of the facilitators in the UNICEF child participation project. What was the envisaged relationship between facilitators and parents?

20. Mrs. PALME said that most reports on the impact of structural adjustment were indeed negative. Greater interaction, cooperation and understanding between the Committee and the IMF might thus be helpful. The representative of the IMF had mentioned a study on the impact of its policies on income distribution and equity. In that connection, it was interesting that the Fourth World Conference on Women had found that equity and equality were not the same. Such a distinction might indeed have a bearing on assessments of the relation between income distribution and the survival of children. Since the IMF was apparently according more attention to such areas as health, water and housing, it would be useful to hear how much support countries could reasonably expect.

21. Mrs. MBOI asked the representative of UNICEF what particular groups of children the child participation project was targeting. The terminology applied to children by ILO, WHO and UNICEF varied considerably, often causing confusion in the Committee. Had those bodies contemplated negotiating a common set of definitions? She asked the representative of ILO whether that Organization had contemplated integrating the provisions of ILO Convention No. 138 and those of the new draft convention. Was children's participation in the commercial sex industry considered to be "work" or "most hazardous work"?

22. Recent reports showed an increase in the number of Indonesian children living in the street and working in the sex industry, and also indicated that such children often belonged to families receiving assistance from the IMF social safety net programme. Had the Fund considered requiring that the rights and needs of children should be accorded priority? Had the plight of children obliged to drop out of school for economic reasons or of those engaged in hazardous work been taken into consideration in the development of financial support packages?

23. Mrs. MILLER (United Nations Children's Fund (UNICEF)) said that UNICEF was relying on the Committee's assistance in its child participation project. It intended to expand the project to include more countries in the coming year, once the current pilot phase was completed. The Geneva office of UNICEF was carrying out the programme in conjunction with the New York office, which was expected to concentrate its efforts on documentation, monitoring and evaluation. The new child participation programme would be built into existing UNICEF country programmes and projects; there was no intention of creating new structures.

24. It was envisaged that the facilitators would work with representatives of NGOs, schoolteachers and community leaders; they would surely work with parents as well. Each country would, however, create its own programme and working methods in consultation with children. It had been agreed that the programme must not confine itself to well-to-do children in capital cities but must reach out to the children of vulnerable groups.

25. As the Committee was aware, UNICEF served as the secretariat for the European Network of Ombudsmen for Children (ENOC). It was developing a Website which would furnish information on ombudsmen for children, and was preparing a training pack which would discuss the history and objectives of the ombudsman for children office, and provide information on how to set up such an office.

26. Lastly, she wholeheartedly agreed that all the organizations concerned should attempt to establish a set of common definitions of children. The problem was acknowledged by all; a solution had still to be found.

27. The CHAIRPERSON said she hoped that any discussion of the definition of the child and related terminology would also address the aspect of the provision of data on children, which often reflected an age breakdown that was not in accordance with the Committee's definition of the child.

28. Mr. HERNANDEZ PULIDO (International Labour Organization (ILO)) said that while, generally speaking, there appeared to be a strong consensus among the framers of the new draft convention, its adoption would, of course, be a matter for the ILO member States.

29. Draft article 2, discussed at the most recent session of the technical commission, established the age of 18 as the end of childhood. Some members had nevertheless asserted that that standard should not be rigidly applied to existing conventions, naming in particular ILO Convention No. 138. That was certain to be a controversial question. It should be remembered that the ILO Conventions had been formulated and enacted over a period of many years, and the definitions of childhood contained in them were not the same. He fully agreed that it would be useful to hold discussions with other organizations of the United Nations system so as to identify a nomenclature that would be serviceable for all.

30. ILO Convention No. 138, which established the minimum age for admission to employment, would remain the most important international instrument in the effort to prevent children from working. The new draft convention responded, however, to a deep concern among the ILO membership with regard to activities which exploited children of all ages throughout the world, and which might or might not be considered "work" in the strictest sense of the term.

31. Draft article 3 enumerated the forms of activities which would be prohibited; there had been disagreement about reference in that list to participation by children in the armed forces. To date neither the technical commission nor the international conference on work had pronounced on that matter.

32. Mr. TAPLIN (International Monetary Fund (IMF)) said that there were few economists who would argue that income should be equal across all sectors and all participants in the economy and insistence upon equal wages for everyone would not produce an effective distribution of human resources. He took the point, however, that there were many aspects to equity and equality which were of concern and should be borne in mind.

33. As to whether the IMF could provide some economic analysis on a case-by-case basis as part of the documentation used by the Committee in its consideration of country reports, he pointed out that documents were prepared on recent economic developments in IMF member countries, and, if the country in question agreed, they could be made available to the Committee; in any case, a summary of those documents was available on the Fund's Website. Another document, the policy framework statement, which was prepared jointly by the national authorities, the Fund and the World Bank, covered policies, objectives and analysis over a three-year period. For most of the Fund's lower-income member States, that document was posted on the Website also.

34. With respect to the length of time it took for countries to reap the benefits of structural adjustment programmes, he said that some problems took more than a few years to correct, as the international setting was shifting constantly, and external factors such as commodity prices could have implications on how an economy needed to adapt if it was to compete in a global framework. There were also hiccups in policy implementation; some policies took a great deal of political courage to implement and, all too frequently, an adequate domestic support base had not been mobilized, or else it shifted in accordance with the political winds. There might also, of course, have been a misjudgement concerning just how effective certain economic policy instruments might be in a specific country setting.

35. There was no clear-cut way of assessing whether structural adjustment policies bore fruit in the final analysis, but the statistics did indicate that those countries that had engaged in steadfast structural adjustment programmes had achieved better growth rates, lower inflation rates and more stable macroeconomic balances than those that had not.

36. He regretted that it was not possible for members of the Fund's staff to attend the Committee's meetings more regularly. The Fund had only a small office at Geneva and there was a hiring freeze. It might, however, be possible to find effective ways of developing cooperation between the two bodies. The member States gave clear mandates to their respective institutions, and the Fund's guidelines were to focus on economic and financial matters in the macro sense and not stray off the path into more sectoral or micro issues; previous efforts in that direction had not been well received. If the member States felt that there was a productive way of strengthening the Fund's commitment to the principles enshrined in the Convention, they could bring them to the Fund and its discussions of conditionality. However, asking the Fund to focus on issues surrounding the rights of the child, and seeking to extract policy statements by the authorities on those rights, would not get very far.

37. Mrs. LILJESTRAND (World Health Organization (WHO)) said that she was not in a position to say when the work plan would be approved, but WHO's work on

the rights of the child would be expanded and the organization would continue to provide the Committee with technical support. She would take the questions raised by members of the Committee back to her Department.

38. Mrs. PALME said that, although one of the world's poorest countries, which had recently been dealt with by the Committee and also undergone restructuring, had received economic support from the World Bank to work with street children, she was still worried, as a structural analysis of the educational system there was still needed. She did not want to stop the economic support, but countries had to deal with all the children in their territories. Otherwise, it might be necessary to leave it to other agencies to care for difficult subgroups, such as disabled children, street children or child victims of armed conflicts. It might be important, therefore, for the IMF to interact with other agencies; ILO, for example, was doing work in the educational field in order to counteract the problem of child labour.

39. Mr. TAPLIN (International Monetary Fund (IMF)) said that there were no educational economists in the Fund and there were probably no exchange rate economists in UNICEF; it might be unwise to bestow too many tasks on the Fund without giving it the expertise to implement them. There was certainly a need for greater inter-agency interaction, however, and that was why the Managing Director of the Fund was an active participant in the Administrative Committee on Coordination (ACC) and the Economic and Social Council.

40. The CHAIRPERSON said she had learned from the discussion that it was apparently the country, and not the IMF, which set the parameters for adjustment. The matter would have to be discussed with the Fund in greater depth at the Committee's twenty-first session, when it could deal with the question why restructuring always seemed to affect the social sector even though it was directed only towards the economic and financial sector. Perhaps the IMF would consider the Committee's request for information that it could use when considering the country reports.

The discussion covered in the summary record ended at 4.45 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

SUMMARY RECORD OF THE 521st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 January 1999, at 10 a.m.

Chairperson: Miss MASON

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Sweden

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GE.99-40240 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Sweden (CRC/C/65/Add.3; HRI/CORE/1/Add.4; CRC/C/Q/SWE/2; written replies of the Government of Sweden to the questions raised in the list of issues)

1. At the invitation of the Chairperson, the members of the Swedish delegation took places at the Committee table.

2. Mr. SVENSSON (Sweden) said that an animated and fruitful discussion of issues relating to children - based on the provisions of the Convention - was continuously being carried out in Sweden. However, that did not mean that Sweden was experiencing great difficulties in complying with the Convention; on the contrary, that instrument was very much a living element in Swedish society. The Swedish Government considered the implementation of the Convention to be a continuous process in which the NGOs had an important role to play in safeguarding the rights and interests of the child. Having formed a network, those NGOs arranged annual hearings to which the Government was invited and which provided a forum for continuous dialogue about issues relating to children. Moreover, the Office of the Children's Ombudsman, set up in 1993, reported to the Government each year, drawing attention to possible shortcomings in relation to the provisions of the Convention. A committee of inquiry was currently reviewing the Ombudsman's activities and ascertaining what resources and powers were required to strengthen that institution and render it more effective.

3. Although Swedish children had, in general terms, excellent living conditions, the economic problems affecting Sweden in the past decade had had an impact on children in terms of their parent's unemployment or the risk of unemployment for instance. In addition, in many municipalities, the necessary economies had taken the form of larger groups in schools and a reduction in preventive measures and those targeted at children with special educational needs. The Swedish Government had now succeeded in restoring balance to the national budget and had therefore resumed its investment in high-priority areas, including children. Among other things, the municipalities had been granted additional funding since 1997, which they were obliged to spend on medical care, social services and schools. In the years to come, the Swedish Government would seek to improve the situation of children, focusing efforts on the plight of the most vulnerable groups, in particular those living in distressed urban areas. The regulations on child pornography had also been tightened and a parliamentary committee of inquiry into child abuse had recently been appointed. Society as a whole needed to be alerted to the problem and learn to react more swiftly to signs of child abuse.

4. The Government's strategy for the implementation of the Convention aimed at integrating the child perspective into all pertinent spheres of activity. That meant that public and private decision-makers who worked directly with children should be provided with information in order to facilitate their appreciation of children's needs. In that regard, the analyses, conclusions and proposals presented by the Child Committee provided a valuable basis for that work. In February 1996, the Government had appointed the parliamentary

committee and assigned it the task of studying how Swedish legislation and practice conformed with the provisions of the Convention. In its report, The best Interests of the Child as a Primary Consideration, the Child Committee concluded that, in the main, Swedish legislation was consistent with the Convention, while stressing that it was implementation at all levels of society - central, regional and local - that was vital. The various government offices had also used the report in their legislative work.

5. A number of measures had also been taken as a result of the concluding observations of the Committee on the Rights of the Child on Sweden's initial report. For example, the section in the Aliens Act dealing with the detention of minors had been amended and, as of 1 January 1997, the requirements for the detention of minors which had been previously applied to all aliens under the age of 16 now applied to all aliens under the age of 18. Moreover, the provisions relating to minors contained several safeguards and, considering the fact that minors were rarely detained, and if so only for short periods, he felt that current legislation and practice were in conformity with the Convention. In that connection, new provisions providing for sanctions other than imprisonment for young offenders had been adopted, while legislation on correctional care had been amended. It was still possible, in exceptional cases, to sentence a minor to imprisonment, but the sentence would not be served in a penal institution where adults were detained, if it was considered not to be in the minor's interest. The new provision was based on article 37 (c) of the Convention.

6. A bill for a strategy for implementing the Convention on the Rights of the Child had been submitted to Parliament in June 1998 and would be discussed in March 1999. The objective of the strategy was to develop the adult community's ability to listen to children and to see the effects of the various decisions from the perspective of the child. It also included turning the Convention into an active instrument whereby child impact analyses would be made in connection with all government decisions. The child perspective should also be incorporated into terms of reference issued to the various committees and commissions of inquiry. Furthermore, coordination of children's issues within the government offices would improve and all government officials whose work affected children would be offered in-service training in the principles of the Convention. The Government had also allocated special funds to the Office of the Children's Ombudsman for the production of training material and planning models. The information activities would be conducted by the Ombudsman and by the competent municipal and county authorities. NGOs and political parties would have an active role to play. The Swedish Government had invested a total of 30 million Swedish kronor (US$ 3.75 million) over a three-year period to finance the implementation of the Convention.

7. A great part of Sweden's bilateral and multilateral development cooperation was also directed towards improving the conditions of children. For instance, the Swedish Government had initiated a study on children's issues in cooperation activities for development to ensure that the best interests of the child were fully catered to therein. Particular emphasis would be placed on poverty, educational needs, health and social welfare. The Ministry of Foreign Affairs was responsible for coordinating the study, which was being conducted in cooperation with the NGOs, the Government and the other

ministries, as well as the private sector and business circles. The Swedish International Development Agency had long assigned priority to children's issues and had, since 1998, been using the Convention as a guide in project planning and preparation of country strategies.

8. Lastly, Sweden was the third largest contributor to UNICEF. The Government currently paid particular attention to child labour, sexual exploitation of children for commercial purposes, children in armed conflicts and education for girls and women. In addition, Sweden actively supported the promotion of children's rights in the countries in its vicinity, through the European Union, the Council of Europe, the Nordic Council and the Council of the Baltic Sea States.

9. Ms. SARDENBERG thanked the Swedish delegation for its oral presentation and praised the timeliness and seriousness with which Sweden discharged its obligations to report to the Committee, in accordance with the Convention. Given its actual and acknowledged commitment to the rights of the child, Sweden could serve as an example for all developing countries; it was therefore not surprising that the international community expected a great deal of the relevant Swedish initiatives.

10. She would like, first of all, to have clarification concerning the membership of the Swedish delegation, which was entirely female apart from its leader, since the Committee was always concerned when it saw that children's issues were still traditionally entrusted to women. On the subject of the proposed programme of work, coordination of which was entrusted to the Ministry of Foreign Affairs, did Sweden intend to play in diplomatic relations - including bilateral relations - the spearheading role it had already played in poverty eradication, sexual equality and the environment? Moreover, what progress had been made with the necessary integration of the private sector in the Government's activities on behalf of children?

11. Turning to the dissemination of the Convention, she asked whether a simplified version of the Convention had been prepared for young children or for handicapped children and whether the text of the Convention had been translated into the various languages spoken by immigrant children. Moreover, where legislation was concerned, was direct incorporation of the Convention into domestic law still an option, despite its rejection by Parliament in 1995? She was also surprised to note that, despite the announcement of a global approach for implementation of the Convention, it was the Ministry of Health which was coordinating the implementation measures. Was that not rather a sectoral approach which conveyed to the population the message that child-related issues basically concerned health? Did the authorities plan to set up a special mechanism to monitor implementation of the Convention? It was sometimes difficult to maintain a unified approach to the Convention in a context of administrative centralization; she wondered, therefore, how the Swedish authorities were ensuring that it was being implemented equally in all the country's municipalities, despite differences of priority and economic difficulties.

12. She would like to know who was responsible for evaluating the activities of the Children's Ombudsman and what were his links with the Government and with the Ombudsman against Ethnic Discrimination. Also, concerned at the

situation of vulnerable groups, she asked what were the main lines of the publication concerning urban policy for the forthcoming millennium and what form they would actually take. What was the status of the phenomenon of violence in schools at present?

13. Ms. OUEDRAOGO associated herself with the questions asked by Ms. Sardenberg. She also asked why Parliament had rejected incorporation of the Convention into domestic legislation in 1995, since it had been proved that the provisions of the Convention were broadly reflected in the national laws. Moreover, at the time the initial report had been submitted, the Committee had welcomed the fact that the Swedish authorities were considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. What had prevented the Government from ratifying that instrument?

14. She also called for more information on the mechanisms existing or envisaged for coordinating the activities of the local and central authorities responsible for implementing the Convention, particularly since some municipalities were richer than others, which could result in discrimination against children living in less affluent municipalities. Could the Swedish delegation also say whether the Children's Ombudsman played a role in the elaboration of laws and what follow-up was given to the recommendations in his annual report? Also, what measures was the Government taking to attenuate the effects of the budgetary constraints on children, especially the most vulnerable?

15. In its written reply to question 7 in the list of issues, the Government had said that the Children's Ombudsman would prepare, in cooperation with the competent authorities, a programme for training public-sector personnel: who would be responsible for training private-sector personnel? Moreover, which provisions of the Convention had been disputed during the information campaigns, both by the public as a whole and by professionals, and how was the Government ensuring that adults familiarized themselves with the Convention? Lastly, she understood that the minimum age for marriage was 15 for alien children and 18 for Swedish children. If that was so it was an act of discrimination that should be put right. With regard to traditional practices detrimental to the health of women and girls, including genital mutilation, she strongly encouraged the Swedish authorities to strengthen the measures they had already taken to protect children from such practices.

16. Ms. MOKHUANE asked how the authorities were, in practice, applying the principle of the best interests of the child, especially with regard to children seeking asylum, child refugees and children performing work that could hinder their development. The Children's Ombudsman apparently thought that the best interests of the child were not sufficiently taken into account in child-related decisions. Moreover, Sweden would seem to have considerably improved the health situation of children, especially in terms of infant mortality, morbidity and perinatal mortality. However, beyond the child's physical development, it would be interesting to have details on the measures taken to ensure children's psychological, mental, moral and social development. The Swedish delegation might also indicate what successes the Government had achieved and what obstacles it had encountered in its fight against racism and racial discrimination. Had anyone been sentenced under the

law banning racial discrimination since the presentation of the initial report? Lastly, on the question of freedom of expression, the Children's Ombudsman had said in his report that children's opinions were not sufficiently taken into account. Consequently, she inquired what obstacles stood in the way of children's full exercise of the right to express their opinion freely on any matter concerning them within or outside the family.

17. Mr. FULCI remarked that Sweden was evidently doing all in its power to implement the Convention effectively. However, the State party might indicate in greater detail, in accordance with article 44 of the Convention, the factors and difficulties that prevented it from fully discharging the obligations imposed on it by the Convention. It might also further explain what follow-up it had given to the recommendations proposed by the Committee following consideration of the initial report. For instance, did the Government plan to implement the Committee's recommendation to raise from 15 to 18 the age at which a person could join the National Guard?

18. In paragraphs 214-224 of its report, the Swedish Government described the actions taken to give effect, in accordance with the Committee's recommendation, to article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Did it plan to take new legislative or administrative measures to further strengthen protection of children of refugees and migrant workers and children belonging to minorities, who, as in most countries, were victims of increasing xenophobia, especially on the part of the younger generation? Lastly, he would like to know how children around 10 would reply if asked what they knew about the Convention and the rights set forth therein.

19. Mr. RABAH requested further information on the mechanisms in existence or envisaged for coordinating the activities of the local and central authorities, and on collaboration with NGOs, which were apparently very active in Sweden. Had those organizations been involved in the preparation of the report? There also seemed to be a contradiction between the Government's statement in its written reply to question 3, to the effect that the Office of the Children's Ombudsman was a non-political organ independent of the Government, and the fact that it must report to the Ministry of Health and Social Affairs. He asked for clarification of the matter. Lastly, the Swedish delegation might wish to provide specific examples of judicial rulings showing that the best interests of the child had been taken into consideration.

20. Ms. MBOI paid tribute to the Swedish Government's commitment to the cause of children - Swedish and foreign alike - and for its generous official development assistance. As to substance, she asked to what extent the Office of the Children's Ombudsman had succeeded, in its five or six years of existence, in changing behaviour patterns that ran counter to the provisions of the Convention and in convincing the population of that instrument's cogency. She also observed that, according to surveys conducted by NGOs in Sweden, all boys and 60 per cent of girls were already exposed to pornographic material by the age of 15. She therefore asked whether studies had been carried out to evaluate the consequences of the situation and whether measures were envisaged to remedy it. She also asked whether any global study had gauged the consequences for children of messages conveyed through the media,

including the Internet, which devoted a great deal of space to violence, racism and pornography. Lastly, the Swedish delegation might wish to explain how the Government monitored observance of the rights of stateless children, what measures it was taking in favour of underprivileged children in large towns, what remedies were available to children in conflict with the law and what the Government was doing to combat violence against women.

21. Ms. KARP asked for details on the incidence of violent crimes against children, including rape, sexual exploitation and incest, on relevant judicial decisions taken and on the social services responsible for helping victims. She would also like to know why the Convention was not often invoked in judicial decisions, when it was supposed to be a reference document. What measures had been taken or were envisaged to establish systematic training and retraining programmes on the Convention for jurists, magistrates, teachers and parents, not to mention political leaders and social workers, notably at the local level? It would also be useful to know whether children had the opportunity to be heard in any judicial or administrative proceedings concerning them.

22. She asked whether the municipalities were obliged to adopt a plan of action for children and could vote a specific children's budget. Also, she understood that it was currently impossible to appeal against a decision by the social welfare services not to grant assistance to a family and she wondered whether there were any plans to change that state of affairs. She also asked what links existed between the Parliamentary Ombudsman and the Children's Ombudsman and, since it was her understanding that the Children's Ombudsman was responsible for devising policies but did not have to hear individual cases, which body could receive complaints and what was the relationship between that body and the Ombudsman.

23. Turning to education, she asked whether the decision to transfer child health care to the education system applied only in primary schools and what the effects of the decision had been. She also asked how the principles contained in the Convention, especially children's participation and the possibility of recourse to a neutral body in the event of conflicts with parents, were accepted by the parents themselves. In his report, the Ombudsman had indeed raised a number of problems to be resolved concerning the best interests of the child, including the right to consult a doctor without the parents' consent and a child's appearance in court in the presence of the parents. In conclusion, she asked whether there were any age limits on the right of association and whether children were themselves involved in the dissemination of the Convention and in measures to resolve problems such as violence and drugs.

24. Mr. KOLOSOV welcomed the progress achieved in Sweden with the protection of children's rights. He regretted, however, that the Committee's guidelines had not been followed in the drafting of the report and advised the State party to provide more statistics on actual implementation of the Convention in its third periodic report. He had noted, for instance, that the report did not contain data on the dissemination of the Convention in the languages of minority groups. Another shortcoming was that it always referred to the types of protection guaranteed citizens by the Constitution. However, the Convention required that children should enjoy not only the rights accorded to

all citizens, but also the rights exclusive to them. Lastly, he suggested to the Chairperson that she should limit each speaker to five minutes, in accordance with rule 41 of the Committee's provisional rules of procedure.

The meeting was suspended at 11.50 a.m. and resumed at noon

25. Mr. SVENSSON (Sweden) said that, in the absence of a specific ministry, children and the family came under the Ministry of Health and Social Affairs. He thanked Mr. Kolosov for his advice concerning the drafting of the third periodic report, which would be duly heeded. On the subject of decentralization of responsibilities, he said that local representatives were elected by direct suffrage. Local communities had the right to levy taxes for funding local activities, but also received support, if the need arose, from affluent communities which helped deprived communities. While local communities were independent, they must still abide by the priorities and decisions taken by the Government, notably with regard to observance of the provisions of the Convention.

26. Ms. JAHN (Sweden) pointed out that, as stated in paragraph 86 of the report, and in accordance with Swedish juridical tradition, the Swedish Parliament had in 1995 rejected the proposal to incorporate the Convention in national law, but that the Government had instructed a parliamentary commission to review all legislation with a view to bringing it into line with the Convention. Its task had lasted a year and a half and had resulted in a report published in autumn 1997. Although the courts rarely cited the Convention in their rulings, they applied it widely and used it for interpretation of national texts. They paid particular attention to the best interests of the child.

27. Referring to traditional practices, she said that a special law prohibited any form of genital mutilation and that a bill was currently being studied with a view to making it impossible to appeal against a sentence for that crime. The Government had also entrusted the National Board of Health and Welfare with devising preventive measures against that practice.

28. Mr. SVENSSON (Sweden) added that Parliament would vote on the bill in question on 10 March 1999.

29. Ms. SAARINEN (Sweden) said that the ombudsmen, in their capacity as independent central authorities, had long been a part of Swedish tradition. The Children's Ombudsman, a post created in 1993, was appointed by the Government for a six-year term and received his general instructions and budget from the Government, but was quite free to devise his own programme of work and define his own strategies. He did not oversee the activities of the State or communities, nor did he deal with individual cases, responsibilities which fell to the Parliamentary Ombudsman. A commission of inquiry had been set up in autumn 1998 to assess the Ombudsman's work and consider ways in which his role and effectiveness could be strengthened. That commission was also considering whether the fact of being a governmental authority undermined the Ombudsman's independence and would submit its report to the Government in April 1999.

30. Ms. KORPI (Sweden), replying to the questions raised by Committee members concerning brutality of which children might be victims in schools, said that the Ministry of Education had considered whether that was really a problem and if remedial measures were needed. The opinions expressed by the persons concerned were divergent, but the Ministry had thought that even if a single child was brutalized, measures should be taken to protect all others. For instance, the education law had been amended on 1 January 1998 and all adults responsible for management of teaching establishments must now ensure that all abusive behaviour and acts of violence or racism against children were denounced and measures taken to avoid their recurrence. Moreover, the Government had instituted a new national school inspection system and, since the beginning of 1999, national inspectors were responsible for ensuring that no act of violence was committed in schools. The Government had also decided in 1998 to allocate the considerable sum of 10 million Swedish kronor to developing teachers' skills in the teaching of fundamental democratic values, as a matter of high priority. In parallel, a special project had been set up to raise greater awareness of the importance of those values at the national and local levels. Under that project, a special youth council, comprising young people approximately 16 years of age, would be created to serve as a forum in which the young people themselves could examine the questions raised, express their opinions and formulate their suggestions, which would be duly taken into account by the Ministry of Education. Also in that context, the National Agency for Education had been instructed by the Government to support local initiatives taken to further alert the population to the fundamental values of justice and tolerance.

31. With regard to making the Convention known to young pupils, the National Agency for Education had taken measures, starting in 1994, making it compulsory for teachers to be trained in the international instruments relating to education ratified by Sweden, including, of course, the Convention. To that end, all the texts of the international instruments in question had been distributed in schools throughout the country.

32. The budget cuts that had had to be made because of economic problems had made it necessary to reduce teaching staff, and the repercussions had been particularly felt by the most vulnerable pupils and those with learning difficulties. However, the level of school performance seemed not to have dropped below the level of the early 1990s and, where the quality of the services on offer in day-care centres and kindergartens was concerned, the staff's already very high level of professionalism did not appear to have suffered from the budget cuts. Nevertheless, the Government had decided to allocate by the year 2000 the substantial additional sum of 20 billion Swedish kronor for social services, health care and education, which should restore budgetary balance, notably in favour of children.

33. The Ministry of Education had also devised a special project against child pornography, which was closely linked to the Government's project on sensitization to the fundamental values of democracy in society as a whole and among children in particular. Lastly, there was in Sweden a very generous system of parental leave whereby a father or mother could remain at home following the birth of a child, while receiving 80 per cent of his or her regular salary. Likewise, there was a medical insurance system that allowed one of the two parents to remain at home with a sick child. However, as a

general rule, most children from the age of 1 attended the neighbourhood crèche, a system that had existed in Sweden for more than 30 years and which had proved effective.

34. Ms. SANDQVIST (Sweden), replying to the question on how far the provisions of the Aliens Bill conformed with those of article 3 of the Convention, said that the Swedish authorities planned to add a new introductory article to the legislation in force, which would provide that when a child was involved in a residence application procedure, for instance, special attention must be paid to the conditions required for obtaining the permit, with due regard to the child's state of health, level of development and best interests. Hence, in granting permits, the Aliens Appeals Board must now take account of humanitarian reasons specifically of interest to children. Those new provisions had not yet been officially approved, but it was hoped that they would be in the near future. Moreover, a special committee had been instructed to review the Swedish law on citizenship for preparation of proposals concerning children born of alien parents, who were stateless. The special committee's report was to be published in March 1999 and its conclusions would be included in Sweden's next periodic report to the Committee on the Rights of the Child.

35. Ms. BÄCKLUND (Sweden), replying to the questions asked about crime statistics, said that the National Council for Crime Prevention had been given until 1999 to set up - at the local, municipal and national levels - a new and more effective system for compiling statistics concerning violence, including sexual violence, against minors under 18. The new system would call for many changes in the procedure for preparing police reports, in prosecutions, etc., and while the statistics would doubtless not be immediately available in detailed form, the new system should be effectively applicable in the near future. Also, the National Council for Crime Prevention was represented on the Parliamentary Committee on Child Abuse and should be in a position to advise it on prevention measures that could be taken nationally in that area.

36. The National Council for Crime Prevention had nevertheless established statistics on crimes motivated by racism or xenophobia, the numbers of which had substantially increased in recent years, from 44 in 1990 to more than 330 in 1998, while acts of discrimination prohibited by law had risen from 47 to 180 over the same period. The few convictions for that type of crime proved that the legislation had not been enforced altogether effectively, which was why the Government was planning to review the legislation and impose stricter enforcement measures. In addition, training for judges and attorneys in children's rights and the child's role in the judicial procedure needed to be intensified and be the topic of a seminar designed especially for members of the judiciary in the near future. In addition, during parents' divorce proceedings, for instance, at which time a decision was taken on the custody of children, the latter, whose opinion was extremely important, could express their views during the preliminary investigations conducted by the social services and so need not be heard in the courtroom itself. Likewise, in the event of a crime being committed against a child, the interview with the alleged victim could be recorded on video cassette, thus avoiding the need for the child to testify directly in court.

37. Concerning the elimination of violence against women, the Swedish Parliament had in spring 1998 approved a bill designed to improve the data-collection and victim-identification system, notably through the police, the objective being, in particular, to provide better protection for children who were always victims of domestic violence, albeit indirectly.

38. Ms. VON HEIDENSTAM (Sweden) said that children's issues were now regularly taken into account at all stages of formulation of foreign policy and bilateral and multilateral cooperation agreements with third countries. On that subject, the Swedish Ministry of Foreign Affairs had prepared two White Papers, one on human rights and foreign policy and the other on democracy and cooperation for development. The Ministry of Foreign Affairs was also keenly aware of the need to provide all its staff with basic instruction in the fundamental principles concerning children's rights, as set forth in the Convention.

39. Replying to the question as to why Sweden had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, she said that it was an instrument dating back nearly 10 years, so far ratified by only five or six countries, the provisions of which were far too complex and detailed for a State such as Sweden to be able to commit itself to their full observance. Nevertheless, the Swedish Government had decided in October 1998 that the Ministry of the Interior would consult the other ministries with a view to formulating recommendations for possible ratification of that Convention. The outcome of the consultations would be known towards the end of January 1999.

40. In conclusion, she said that Swedish legislation on recruitment to the armed forces was very strict and that no one under 18 could perform military service or in any way be involved in hostilities or conflicts that might concern Sweden.

41. The CHAIRPERSON thanked the Swedish delegation for its initial replies to the questions on the list of issues relating to consideration of the second periodic report of Sweden.

The meeting rose at 1.05 p.m.

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Twentieth session

SUMMARY RECORD OF THE 522nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 January 1999, at 3 p.m.

Chairperson: Miss MASON

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Second periodic report of Sweden (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Sweden (CRC/C/65/Add.3; HRI/CORE/1/Add.4; CRC/C/Q/SWE/2; written replies of the Government of Sweden to the questions raised in the list of issues) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Sweden took places at the Committee table.

2. Mrs. SARDENBERG said that the Government of Sweden's decision to introduce human rights considerations into multilateral and bilateral assistance agreements was an important step that she hoped other Governments would follow. It would be useful to know if any evaluation of the Office of the Children's Ombudsman had been carried out in Sweden, and whether the new supervisory mechanism of the Ministry of Health and Social Affairs was a monitoring or coordinating mechanism, or both. Had that mechanism evaluated the impact of government programmes on children?

3. Few countries were able to provide precise figures on the portion of their budgets allocated for children, an important issue under article 4 of the Convention. What was the status of the Swedish children's budget, announced in 1995? It would be useful to know whether the Government of Sweden examined the impact of macroeconomic policies on children.

4. Since her question on the subject at the previous meeting had not been answered, she once again asked whether Sweden had taken steps to translate the Convention into minority languages, or had produced a simplified version for specialized groups.

5. More information would be welcome regarding refugee children who were in hiding in Sweden: what measures, if any, had been taken to protect their rights under the Convention? It would also be useful to know whether unaccompanied refugee children and the children of refugee families were still being denied placement in day-nurseries.

6. The CHAIRPERSON invited the delegation of Sweden to reply to those questions as well as to any questions that remained unanswered from the previous meeting.

7. Mr. SVENSSON (Sweden) said that Government departments had been instructed to analyse all their decisions in the light of the best interests of the child. The budget estimates for 1999 amounted to SKr 700 billion; about 20 per cent, or SKr 130 billion, had been allocated for various kinds of support for children.

8. The question whether all children, including refugee and unaccompanied refugee children, should be provided with day care had been much debated in his country. The right of all children to equal treatment was, of course, protected by the Convention; the problem was an economic one. The Prime Minister had recently announced to Parliament that all children would be provided with day-care services as soon as possible.

9. His Government had provided training in Convention rights to teachers and educational staff in the public sector; the private sector would be the next area tackled. In the commercial domain, some private companies had taken their own initiatives; a group of businesses had agreed not to sell goods and clothing produced by child labour. Travel agencies throughout the Nordic countries had agreed to provide information on the sexual exploitation of children to all persons travelling to countries where sexual tourism was practised, and educational video cassettes were being shown on commercial aircraft.

10. His Government held many meetings with non-governmental organizations (NGOs), both formal and informal, and took their views into account in the drafting of all legislation. In addition, associations of NGOs held meetings to which representatives of the Government were invited. The relationship between the Government and NGOs resembled a marriage: it was close, conflictual, and variable.

11. Ms. JAHN (Sweden) said that the State Inheritance Fund had allocated considerable sums of money to NGOs to enable them to disseminate information on the principles of the Convention. As part of its celebration of the tenth anniversary of the Convention, Sweden was planning new public-information measures, including activities in which children, including refugee and disabled children, would participate.

12. In reply to a question about traditional practices, she had already explained her Government's attitude towards the practice of female genital mutilation. The Government was also assessing male circumcision, with a view to ensuring that the relevant regulations were compatible with the Convention.

13. The question of inculcating an understanding of article 12 was a difficult one, and required educating parents in the sense of its provisions. There was no mechanism explicitly devised to implement the terms of that article, but the Swedish social welfare system provided counselling to families in need of assistance. The Code of Parenthood and Guardianship accorded to parents the right and responsibility of making decisions about their children's welfare, including medical ones. As a child matured, however, he was permitted an increasing say in matters that affected him.

14. When a very young child sought counselling, medical or otherwise, it was the duty of the counsellor to inform the parents. Older children were, however, protected by the Secrecy Act, and their needs and interests were considered to override the parent's right to information. Such decisions were, of course, also made at the discretion of the counsellor.

15. Most of the legislation regulating administrative and judicial decisions affecting children incorporated provisions that reflected the terms of article 12. Furthermore, Government funds were allocated on an ongoing basis to programmes for the training of professionals. Although the Children's Ombudsman did not receive complaints directly from children, an NGO had set up a telephone hotline, which children could use when they needed assistance, and which offered personal guidance as well as assistance in directing their complaints toward the appropriate institution. That hotline was well known to children throughout Sweden.

16. Ms. SAARINEN (Sweden) said that the Radio and Television Act had been amended to strengthen its provisions on violence, and broadcasts containing violence were henceforth required to carry warnings. Coded and uncoded broadcasts were also regulated. In addition, the Council on Fictionalized Violence had the task of coordinating national efforts to combat harmful fictionalized violence. A conference was to be held at Stockholm in February 1999 to discuss ways of inculcating positive attitudes toward sexuality in young people. In addition, her Government intended to request the National Institute of Public Health to survey young people's attitudes toward sex and pornography.

17. Lastly, the Children's Ombudsman had, on his own initiative, undertaken a public opinion survey and had learned that most adults and children were familiar with the principles of the Convention; if the Committee so desired, it could be supplied with a detailed account of the survey's findings.

18. Ms. BACKLUND (Sweden) said that the minimum age for marriage was 18, and special permission had to be requested of the local council to marry under that age. Although the relevant legislation applied to both Swedes and foreigners, it also permitted a foreigner to marry under the law of his country of origin if that law differed from the Swedish one. Furthermore, a Swedish citizen who had resided for not less than two years in a foreign country could marry in accordance with the laws of that country. As far as she was aware, no local council had ever given permission to marry to a child under the age of 15. Sweden was currently undertaking a broad overview of international family law, which included the matter of the marriage age.

19. Most practising lawyers in Sweden were members of the Swedish Bar Association, and could decide for themselves whether or not to undertake further training. They could, if they so wished, participate in courses offered by the office of the prosecutor.

20. Ms. SANDQVIST (Sweden) said that, in principle, any child in Sweden, including an asylum-seeker, enjoyed the right to health care and social assistance, even after his application to remain in that country had been rejected, provided he maintained contact with the authorities. The Government believed that to accord all the entitlements under the Convention both to children who absconded and to those who kept in contact with the authorities would send an unfortunate signal. Furthermore, it was unreasonable to give one authority the task of expediting an expulsion order and another the task of fulfilling all entitlements under the Convention.

21. The Government believed that the solution lay in discouraging families from going into hiding. It had accordingly instructed the National Board of Health and Welfare and the National Immigration Board to attempt to estimate the number of children who were living in hiding and to analyse why families went into hiding and the impact of such conditions on the physical and psychological health of children. That report would be submitted in March 1999.

22. Ms. JAHN said that the Swedish Constitution protected the civil rights and freedoms of both Swedish citizens and foreigners. She regretted that the report had not provided comprehensive information on that point.

23. The CHAIRPERSON invited the members of the Committee to ask questions on the subjects of family environment and alternative care, basic health and welfare, education, leisure and cultural activities, and special protection measures.

24. Mr. FULCI, noting that Sweden had acceded to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and Restoration of Custody of Children and the Hague Convention on the Civil Aspects of International Child Abduction, said it was commendable that Swedish embassies devoted significant attention to the matter of recovering Swedish children who had been abducted abroad by one of their parents. How widespread was that phenomenon? What approach was taken by the Swedish Government in cases where a child was abducted to a country that was not a party to those Conventions, and where legal international remedies were thus not available?

25. Mrs. MBOI said that, although Sweden boasted an excellent health-care system, both substance abuse and suicide were increasing, especially among adolescents. Furthermore, most of the information regarding substance abuse in the second periodic report was the same as in the initial report. The Committee would like to have data disaggregated by age, gender, social and national origin, and the substance used.

26. Similarly, the information concerning the economic exploitation of children was essentially the same in both the initial and second reports. Had the Government studied that phenomenon more closely since the date of the initial report? Although Swedish legislation was undoubtedly excellent, the Government should provide disaggregated data on the persistence of child labour as well as on any sanctions applied in the case of violations. What, for instance, was the practice among immigrants?

27. The Committee's concluding observations to the initial report of Sweden had noted that Sweden had provided insufficient information concerning the victims of child abuse, including incest. Unfortunately, the second report offered little more than the first. Swedish law in that matter was nonetheless commendable, and in fact provided for extraterritorial prosecutions. As far as the Committee was aware, however, there had been few prosecutions of Swedish citizens who committed such offences abroad. Swedish legislation did not, moreover, cover the matter of computer child pornography or pseudo pornography. What progress had been made in that area, in particular as a result of the World Congress against Commercial Sexual Exploitation of Children?

28. Mr. RABAH said he would like more information on child labour, and on street children, particularly the foreigners among them. How were they treated by the Government and were steps taken to assist them? Additional information and statistics on the incidence of early pregnancy, abortion and mental health would be useful.

29. According to the summary of the report of the Parliamentary Child Committee on implementation of the Convention in Sweden, the rules for placing young people in institutions should be drafted in accordance with article 37 (c) of the Convention. That meant that every child deprived of his or her freedom should be separated from adults unless it was considered in the child's best interests not to do so. How were children's institutions run; by

whom; what was the number of juvenile offenders; what kinds of offences had they committed; and what was the relationship between the institutions and the juvenile courts?

30. Mrs. KARP said she was concerned about the institution of the Children's Ombudsman. According to the report, there were at least 15 government bodies under various ministries that dealt with children. She would like to see a focal point appointed, with the Ombudsman given an overview of all the relevant institutions or bodies. She wondered whether the focal point should be someone in the Cabinet Office or an independent institution. Had the Government considered having the Ombudsman appointed by Parliament, with a budgetary allocation from Parliament? What was done with the Ombudsman's recommendations? Was he empowered only to recommend, while the Government was charged with implementing his recommendations? How many of those recommendations had in fact been implemented? The Children's Ombudsman apparently did not deal with complaints, whereas the Parliamentary Ombudsman did. Should individual complaints be referred by NGOs, or should it be the Government's responsibility to introduce a structure that would enable children to file their complaints with an external monitoring body? Did such a body exist?

31. Parental counselling had been established for families but, according to the information received by the Committee, only counselling connected to the family situation was provided free of charge, although one third of the people polled in a survey had found other forms of counselling too expensive for them. That seemed to be a strange policy. Apparently people had to reach the point of divorce or separation before they could receive free counselling, whereas a divorce or separation might have been prevented if earlier counselling had been provided without charge.

32. What was being done to make people aware of their rights to support services, particularly in cases where the municipality found that requests for support did not meet the established criteria? The system of legal notification regarding incest and sexual abuse in the family did not seem to be working. Many teachers and doctors did not in fact provide any notification, either because they were unaware of the situation or were not convinced that notification was the right course of action. Statistics on sexual abuse in the family were also low: had any research been undertaken, and what was being done to encourage those aware of abuse to notify the authorities? She also wondered what was being done to enable more child-friendly procedures to be used by the police and in the courts so as to avoid double victimization and asked for more information on the apparently scarce services available for the rehabilitation of child victims of sexual abuse.

33. Ms. BÄCKLUND (Sweden) said, with regard to article 11, that Sweden had ratified the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and Restoration of Custody of Children and The Hague Convention on the Civil Aspects of International Child Abduction but that they governed relations between the contracting States only. Swedish legislation had been criticized in that regard because of the cases which were not covered by either of those Conventions. Where a child had been wrongfully removed to or retained in Sweden, and a non-contracting State was involved, in accordance with Swedish law the child could not be returned, as foreign

decisions on custody were not recognized in Sweden without a specific legal basis. That principle played an important role when a Swedish court had to decide whether it had any jurisdiction over cases of children wrongfully detained in the State party. The ratification of The Hague Convention of 1996, which had a wider scope and provided greater protection of children than the 1980 instrument, was under consideration by the Ministry of Justice.

34. In cases involving States that had not signed the first Hague Convention, efforts were made to reach bilateral agreements similar in content to that instrument. To facilitate the voluntary return of children, the Government had set aside SKr 1 million for travel expenses. The Government was currently reviewing legislation on international private family law in order to create general applicable rules, the review also covered the rules on foreign decisions concerning custody. Specifically, there were some 40 cases involving children taken from Sweden or brought into Sweden that came under either The Hague or the European Convention and those disputes would probably be resolved, but it was difficult to say how the 15 to 20 cases involving countries that had not ratified either Convention would be resolved.

35. A Parliamentary Committee had been instructed to undertake a complete review of the provisions concerning sexual offences and to consider whether the legislation needed to be made more stringent. The review, which was to be finalized by September 2000, would be based upon the requirements of the Convention on the Rights of the Child with regard to sexual offences against children. The Committee was also responsible for exploring whether absolute protection should be extended to children aged 15 to 18 and whether the offence should include voluntary participation by children in acts of sexual exploitation when no payment was made.

36. Legislation on child pornography had also been amended as from 1 January 1999, and would henceforth apply to all kinds of media, including the electronic ones. Virtually any association with child pornography images, including possession, would constitute a criminal offence. The Parliamentary Committee reviewing the law on sexual offences would also consider whether the current dual criminality requirement for jurisdiction on crimes committed abroad against women and children should be waived. Persons maintaining electronic bulletin boards were legally obliged to prevent any further distribution of messages that obviously contained child pornography under a law that had entered into force on 1 May 1998.

37. Since 1 January 1999, juvenile detention care would be used for a youthful offender who had committed an offence before reaching the age of 18 and would have received a prison sentence under the old regulations. The new provisions were time limited, from 14 days to 4 years. A person under 18 who had committed a crime might still occasionally be sent to prison. However, under the new legislation that would apply only if the person concerned had committed a number of offences both before and after reaching the age of 18 or had committed a very serious crime just before reaching that age.

38. There was also an amendment to the Correctional Act, whereby children under the age of 18 could be placed in prison with older inmates only if that were in the best interest of the child. That law was meant to cover the very few cases of children who might have to serve their prison sentences a long way from home and their parents if they did not share space with older

persons; consideration was given on a case-by-case basis. In any event, before the new law had come into effect, only 35 to 40 persons under age 18 had been imprisoned every year, a very small number indeed.

39. Mr. SVENSSON (Sweden) said that, on 2 July 1998, his Government had adopted a National Plan of Action against the Commercial Sexual Exploitation of Children. International cooperation in that field already existed within the European Union, the Council of Europe, the Nordic Council and the Council of the Baltic Sea States. In March 1999, a conference was to be held at Stockholm for all the appropriate ministries from the Baltic Sea States to determine how cooperation could be developed. In addition, Sweden was working with Norway and six other Baltic countries to build a data bank of specialists on children at risk, and Sweden was to host the June 1999 Conference of Ministers of Family Affairs of the Council of Europe.

40. Ms. JAHN (Sweden) said that her Government hoped to improve its knowledge of the scope of child labour in Sweden and, in that connection, a project was under way with the Governments of the other Nordic countries and the Nordic Council of Ministers. It was undoubtedly true that many children aged 13 to 17 worked during their vacations and after school, but the extent of the phenomenon was not fully known. Every summer, the trade unions sent emissaries to places where young people worked in order to give them information about their rights, provide assistance and support them in any conflicts with employers. The most common problems were that they were paid below the minimum wage, that the regulations on working hours were not respected and that the working environment was not of the best.

41. The recommendation from the Ombudsman on medical counselling also dealt with cases where parents were suspected of the commission of offences against their children, and her Government was proposing a solution to that problem whereby such children would be entitled to special counsel, which would take over the rights of the parents or guardian. As for the right to appeal decisions regarding care, the social services had absolute and special responsibility regarding protection measures for children but, if they failed to carry out that duty, another authority had to take the responsibility. The issue of the notification by professional persons encountering cases of child abuse involved information and education for such persons rather than correctional issues, if the relevant provisions, which were aimed at protecting children, were to be effective.

42. Mr. SVENSSON (Sweden) said that his Government had formed a one-man committee of inquiry to review the work of the Ombudsman and help him carry it out more efficiently. The committee was also in charge of determining to what extent and in what way the reports and recommendations of the Ombudsman had a practical effect on the work of the Government. The committee's report was due in April or May 1999.

43. Ms. BÄCKLUND (Sweden) said that, in order to ensure that young offenders received adequate treatment while serving their sentences, the new punishment of closed institutional care would be served in homes supervised by the National Board for Institutional Care, set up in 1993, which provided compulsory care under the Care of Young Persons (Special Provisions) Act and for others under the Alcohol and Drug Abusers (Special Provisions) Act.

44. The CHAIRPERSON invited the members of the Committee to ask any supplementary questions.

45. Mrs. MOKHUANE said, with reference to article 18 of the Convention, that she was surprised that such a high percentage of children lived with one parent - usually the mother - despite the rising numbers of joint custody awards. She wondered whether any research had been carried out on society's attitude to a child living with his or her father. Under the Maintenance Support Act, the Government was bound to assist in recovering maintenance, even when it exceeded the basic rate, once the amount had been agreed between the parents and the court.

46. Despite the assurances given by the delegation, it was her understanding that budget cuts had indeed affected the quality of health care, especially paediatric care. Since there was some conflict between the Ombudsman's report and that of the Government, she suggested that a study be conducted to assess the impact of budgetary restrictions on the quality of health care. She noted that, owing to the size of classes, some 50 per cent of children were deprived of the remedial education and individual attention they needed. Furthermore, research had shown a drop in the reading level of Swedish children. Was the Government addressing the disparities between municipal authorities and was it prepared to assist those whose necessary public-spending cuts had caused their library stocks to decline?

47. Mrs. OUEDRAOGO said she would like to know to what extent children had contributed to the school plan of action to prevent all forms of humiliating treatment and the level of their contact with the National Agency for Education. It was unclear what impact the budget cuts had had on drop-out and repetition rates and the status of teachers. The fact that some local governments could no longer provide certain social services in schools had deprived indigent children of access to them. Could such children be covered by the municipalities under the new provisions?

48. The fact that a parent in detention could decide whether or not his or her whereabouts should be disclosed conflicted with article 9, paragraph 3, of the Convention. Further information was needed concerning the visiting rights of children in institutions or foster homes. What was the situation of the social security payments made to children pending reimbursement by the maintenance debtor? Was the allowance discontinued if repayment was not made? What was the position of children born out of wedlock with regard to social security benefits? Was health care available free of charge under the new provisions to non-Swedish children, who had previously been entitled only to emergency health services?

49. Mrs. SARDENBERG asked whether the situation of minority groups such as the Roma and Saami had improved in the five years since the presentation of Sweden's initial report. While breastfeeding rates in Sweden were very positive, she sought information on the status of the Swedish code of marketing of breast milk substitutes, which had been under consideration since 1995, and of the establishment of a breastfeeding committee as stipulated in UNICEF's Innocenti Declaration. She also regretted the decrease in the numbers of specifically "baby-friendly" hospitals and the fact that they did not meet UNICEF standards.

50. The adolescent suicide rate in Sweden should be monitored. She was also concerned that, between 1992 and 1995, the number of attempted suicides had risen from 541 to 715, 86 per cent of them being girls. In that connection, she wished to know whether any research had been carried out on the prevalence of eating disorders and whether there were any special support measures for girls.

51. She asked when Sweden intended to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. Lastly, she wished to know how the Swedish authorities intended to disseminate the Committee's discussions and recommendations.

52. Mr. KOLOSOV said he agreed with Mrs. Ouedraogo on the wisdom of adopting a special children's code that explicitly recognized the civil rights and freedoms of all persons under 18. While Sweden had made great strides with its juvenile criminal legislation, he wondered whether the impact of those improvements had been analysed. Were there more or fewer offences? What was the juvenile recidivism rate?

53. It was paradoxical that, while the consumption of alcohol by persons under 20 was prohibited, Sweden provided protection from harmful media for children only up to the age of 15. Juvenile offences, often related to access to such materials, were much more frequent among children aged 16 to 18, who, being children under the terms of the Convention, were also entitled to protection.

54. Mrs. MBOI said that she looked forward to the Parliamentary Committee's report on its review of the sexual abuse laws. Had any consideration been given to providing psychosocial treatment for the abusers as well as the abused? With increasing drug use among the 10 to 18 age group, she was anxious to know the outcome of the anti-drug campaign and whether any systematic disaggregated data were available. She endorsed Mrs. Sardenberg's call for a study of adolescent suicide rates.

55. Mrs. KARP asked what was being done to encourage parents to avail themselves of counselling services, with regard to corporal punishment in particular, in a country which had a vast immigrant population with many cultural differences. What practical assistance for rehabilitation was offered to victims of sexual assault, including incest? On the subject of association, while she understood that children could belong to any number of associations, she wondered whether there were any restrictions on the actual formation of associations by children.

56. Since school health-care services did not include psychological treatment and many children were referred to outside psychologists, she wished to know what coordination mechanism existed between the school health services and the general health system and who was responsible for adolescent psychological treatment. What plans were there to separate children and adults in mental hospitals?

57. It was of the utmost importance that Sweden should ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Lastly, she called for a comparative review of

differences in treatment and services available to the various categories of children: asylum-seeking, refugee, accompanied or unaccompanied, and children of illegal immigrants.

58. Mr. KOLOSOV drew attention to a contradiction between paragraph 184 of the report, which stated that a minor had normally to obtain the guardian's permission in order to form or enter into an association, and paragraph 317, which declared that every citizen was assured of freedom of association.

59. The CHAIRPERSON said that the report did not make it clear whether Sweden's comprehensive social security system actually covered everyone. She wondered to what extent the relevant laws were enforced in favour of disadvantaged families and would like some clarification of the eligibility criteria for access to the system.

60. Little new information concerning minorities had been volunteered. Were the formal provisions of service and guarantees of protection actually enforced? For example, had there been any evaluation of the reasons for the decrease in home language instruction? Were there were any specific NGOs dealing with minorities? What was the level of inclusion, as opposed to integration, of such children in society, their degree of participation in Swedish social life and the incidence of their involvement in crime?

61. Mr. SVENSSON (Sweden) said that the Ministry of Health and Social Services had established prenatal and post-natal clinics where the staff members were trained to identify and meet the needs of mothers and infants. Networks of parents had been established which operated in conjunction with the schools, and most parents were invited to attend some type of course to assist them in their parenting role. More could be done, however, particularly for the parents of adolescents. Talks had recently been held at the municipal level on how to offer greater support to parents.

62. On the subject of breastfeeding, the rate in Sweden was higher than in any other industrialized country, with 40 per cent of the original 96 per cent of breastfeeding mothers continuing to do so after six months. The apparent reduction in the number of "baby-friendly" hospitals merely reflected the fact that all hospitals were currently baby-friendly.

63. Ms. JAHN (Sweden) said that her Government set the greatest store by good health care, and concentrated on the provision of preventive care and the maintenance of the highest standards in facilities, staff and training. In September 1998, the National Board of Health and Welfare had published some new guidelines and standards covering all areas of the medical services.

64. Her Government was not preparing a special children's code since the existing legislation was not only well-developed but also complied with the provisions of the Convention. Moreover, it would be very difficult to confine all matters relating to children within a single code.

65. Under the Social Services Act, family counselling was available to all who requested it, at a nominal fee which was waived by half of Sweden's municipalities. Children born out of wedlock enjoyed the same social security coverage as other children.

66. Ms. BÄCKLUND (Sweden) said that an examination of the police records over a five-year period of the 3.5 million people in Sweden born between 1945 and 1975 had revealed that 12 per cent of the members of the immigrant population had been suspected of an offence during the period in question. That was considerably above the rate for the population as a whole. While the corresponding rate among young immigrants was also higher than the general average, it was below that of the older generation. That was strikingly different from the situation in other countries, where the level of crime among young immigrants was on the increase.

67. In reply to the question regarding the impact of the new criminal legislation, she said that it was too early as yet to assess its results but that her Government certainly intended to do so at the appropriate time. Judicial procedure provisions had also been reformed in 1995 and their impact was currently being evaluated. Programmes had been introduced by the prison administration for sex offenders and other categories of prisoners which were regularly adapted on the basis of evaluations.

68. With regard to a child's right to maintain contact with both parents in the event of a divorce, the Code of Parenthood and Guardianship had been amended in October 1998 with a view to encouraging joint custody and frequent contact. The courts always based their decisions on the best interests of the child. Both parents were considered to be responsible for ensuring that the child maintained contact with the non-custodial parent.

69. Ms. KORPI (Sweden) said that the overall responsibility for the schools lay with the National Agency for Education, while the National Board of Health and Welfare had specific responsibility for school health services. Her Government had anticipated that the economic cuts during the 1990s might give rise to problems in that area and had therefore established a committee of inquiry into pupil welfare and school health services. While the cuts would no doubt have had some impact on schools, it was not apparent in the academic results.

70. The Children's Ombudsman was monitoring the situation in the schools and legislation provided for special support to pupils who experienced difficulty in attaining minimum standards of achievement. However, schools were on occasion finding it difficult to comply with the legislation and to deal with particular psychosocial and other problems.

71. There was, however, a positive side to the impact of the cuts on schools, reflected in greater flexibility and in the introduction of more progressive methods, which was not always fully appreciated. Certain responsibilities in connection with child care had recently been transferred to the Ministry of Education, thereby enhancing the involvement of schools in children's lives. Pre-school facilities were available for children between the ages of one and five throughout the year, with a view to bringing more care to learning and more learning to care. Teachers were working increasingly closely in order to achieve optimum development.

72. With regard to the costs of schooling, no fees were charged and, when the possibility had been raised a few years previously of charging for school meals, the Ministry had promptly introduced legislation to preclude payment for any services associated with the schools.

73. On the subject of the inclusion/integration dichotomy raised by the Chairperson with regard to the children of minorities, the aim was to enable such children to live comfortably in a bilingual, bicultural context. In some urban areas, however, the problem was not one of inclusion versus integration but of out-and-out segregation and particular attention would have to be given to resolving such problems. In some such areas, pre-school facilities were available for only 35 to 40 per cent of children, in contrast to the national average of 75 per cent. Increased funding had been made available from July 1998 onwards to address the problems in such areas.

74. Ms. SANDQVIST (Sweden) said that unaccompanied refugee children and the children of immigrant families were treated in the same manner as all other children and special attention was provided, where appropriate. The situation of the children of illegal immigrants was quite different, since the Swedish authorities did not tolerate illegal communities and such persons were expelled to their country of origin. Should they fail to comply with the expulsion order and go into hiding they were not entitled to rights under the Convention.

75. Mr. SVENSSON (Sweden) said that Sweden had ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction in late 1998.

76. With respect to the follow-up to the consideration of Sweden's report he pointed out that the delegation had already held a press conference on the subject of its discussions with the Committee; in the near future, NGOs and the Children's Ombudsman would be invited to a meeting to discuss the ideas that had been put forward by the Committee.

77. Having congratulated the members of the Committee on their thorough preparatory work and their extensive knowledge of the situation of children in Sweden and thanked them for their ideas which he would not fail to convey immediately to the Minister for Social Affairs, he undertook to forward to the Committee information on the various subjects raised that had not been available to the delegation.

78. The CHAIRPERSON said that, while the legislation and system existing in Sweden were superb, the Committee suggested that more thorough assessment and follow-up studies were required. Certain problems that existed in Sweden, such as racism and xenophobia, might be approached from the angle of the impact of such attitudes on the rights of the child, which should be kept in the forefront of all endeavours.

The meeting rose at 6 p.m.

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Twentieth session

SUMMARY RECORD OF THE 523rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 January 1999, at 10 a.m.

Chairperson: Miss MASON

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Yemen

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GE.99-40267 (E)

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Yemen [CRC/C/70/Add.1; CRC/C/15/Add.47 (Concluding observations of the Committee on the Rights of the Child); CRC/C/Q/YEM/2 (List of issues to be taken up in connection with consideration of the second periodic report of Yemen)]

1. At the invitation of the Chairperson, Mr. Abdullah, Mr. Attar, Mr. Assanbani, Mr. Fadl and Mrs. Ghalib Faree Al-Sakah (Yemen) took places at the Committee table.

2. Mrs. GHALIB FAREE AL-SAKAH (Yemen) said that, despite numerous obstacles - one of the Yemeni islands in the Red Sea had been occupied in 1997, repeated attempts had been made to sully the country's reputation, the social welfare system was very new, and so on - Yemeni society was aspiring to democracy. Totally isolated in the early 1990s, Yemen's attitude was now to accede to the international conventions. For example, it had acceded to the Convention on the Rights of the Child in 1991 and was working towards bringing its legislation into line with that instrument. The preparation of the initial report had been its first opportunity to draw a complete picture of the status of children in Yemen and of the problems encountered, since when many measures had been adopted. Although Yemen could not be compared to a developed country, it was doing all in its power to ensure the exercise of fundamental rights. Accordingly, it was one of the very few countries in which women could be members of Parliament and elect the representatives of the people.

3. The CHAIRPERSON assured the Yemeni delegation that the Committee never compared the countries whose reports it was considering to other countries, but merely sought to discover how they were endeavouring to improve the status of children, with due regard to their specific characteristics and resources. She expressed regret that Yemen had not submitted written replies to the list of issues and invited Committee members to ask their questions.

4. Mr. FULCI, expressing regret that the information requested by the Committee in its concluding observations of 1996 on Yemen's initial report did not appear in the second periodic report, urged the Yemeni Government to take account of those observations when it came to prepare its third periodic report; he asked whether the country planned to seek technical assistance for preparing its reports in future. The many areas of concern raised in the 1996 concluding observations included discrimination against girls. They were the prime victims of early marriages - some were married as early as 12 - and lack of education, as recognized in paragraph 156 of the report. According to certain sources, 80 per cent of women were illiterate, as against 35 per cent of men. He wondered about the role that the Yemeni Council for Maternal and Child Welfare could play in remedying that situation. Lastly, he asked the delegation to explain why the report provided no information on the realization of the best interests of the child, although it had been recognized by the General Assembly in its most recent resolution on the rights of the child as the major consideration in all child-related activities.

5. Mrs. MBOI also regretted that the Committee's guidelines had not been followed and that its concluding observations had not even been mentioned in the second periodic report. She asked the delegation to say what specific measures had been taken to implement the Committee's recommendations, what progress had been made and what problems had been encountered. Turning to the National Population Strategy (1990-2000), she urged Yemen to think about the adverse consequences that the adoption of new economic policies could have for implementation of social programmes and for articles 2, 3 and 4 of the Convention. Since there had been no campaign to publicize the Convention, she asked what measures had been taken to disseminate it among child care professionals and among children themselves.

6. While she did not dispute that the laws did prohibit discrimination, she felt that they were not adequately enforced. What specific measures were being taken to prevent discrimination and help children living in difficult situations, such as girls, children with disabilities, children born out of wedlock and street children? By the same token, abuse was prohibited by law, but it was a fact of life. Abuse, torture and rape occurred in the judicial institutions, and corporal punishment was inflicted within the family, in the schools and in other institutions. What was being done to prevent such abuse and help the victims?

7. Ms. SARDENBERG joined previous speakers in regretting that Yemen had not followed the Committee's guidelines, adding that they were not merely a bureaucratic requirement, but reflected the fact that the Convention placed all rights on an equal footing. Yemen's report, as presented, gave a fragmented view of the situation. It would appear that Yemen approached the Convention from the social assistance point of view and did not understand the deeper meaning of that instrument, which made the child a subject of rights.

8. Noting that while Yemen was a party to the six major international human rights instruments, it had often failed in its reporting obligations, she joined Mr. Fulci in advising the Government to seek technical assistance for the preparation of its reports. Nevertheless, she noted with satisfaction that in eight years Yemen had presented an initial report, a periodic report and an interim report to the Committee on the Rights of the Child. She also welcomed the progress made in health and education, despite a difficult context of reunification and armed conflicts. Yemen was also one of the only countries in the Middle East to have ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. In addition, noting that the Prime Minister had recently announced the abolition of school fees for girls in primary education, which was a highly positive development since the status of girls was one of the Committee's major concerns, she asked the delegation to provide more information on the subject. Concerning the legislative review, she asked what results had been achieved by the series of workshops organized in November 1998 by the Ministry of Social Security and Social Affairs and what other measures were planned.

9. It would also be useful to know whether the Yemeni Council for Maternal and Child Welfare had sufficient resources and political influence to discharge its duty; what measures were being taken, in the context of decentralization, to prevent neglect of certain categories of children,

notably those living in rural areas; and, lastly, what the Government was doing to combat corporal punishment whether inflicted by parents, teachers or the forces of law and order.

10. Ms. OUEDRAOGO asked what place the Convention occupied in domestic law, whether it could be invoked in court and whether its provisions were taken into account in administrative decisions and texts.

11. The Yemeni delegation might indicate whether there were any programmes especially devised for children other than the maternal welfare programmes - even within the social security network mentioned in paragraphs 98 and 99 of the report - aimed at meeting children's specific needs and ensuring the full exercise of the rights conferred on them by the Convention. To what extent had children benefited from the five development projects implemented in 1998 with the financial support of the World Bank?

12. It would also be useful to know the measures taken by the Government to publicize and win acceptance for the provisions of the Convention and to ensure wider dissemination of its periodic reports.

13. Turning to the definition of the child, she said it would be interesting to know whether the Government intended to raise the age of consent and the age of majority, which were set at 15 years in the case of both sexes, the minimum age of maturity which, it must be pointed out, was not the same for boys (10 years) as for girls (9 years), and the age of criminal liability, set at 7 years. Under the Convention, a child was understood to be any human being under 18 years of age. The Yemeni delegation might indicate whether the death penalty could be imposed on a child aged 15 to 18.

14. Mr. KOLOSOV invited the Yemeni delegation to indicate what specific legislative, administrative and other measures had been taken to implement the recommendations formulated by the Committee following consideration of Yemen's initial report. The Committee had, among other things, recommended that Yemen should pursue its efforts to ensure full compatibility of its national laws with the Convention, to ensure specific training in the Convention to professional groups working with and for children and to incorporate education relating to the Convention in school curricula. Yemen had also been encouraged to pursue its efforts to promote advocacy and create a wider awareness and understanding of the principles and provisions of the Convention and to develop family counselling services. The State party had also been urged to ensure that its report, the summary records of the meetings devoted to consideration of the report and the Committee's concluding observations should be made widely available to the public.

15. Mr. RABAH asked what role the media played in the dissemination of the principles enshrined in the Convention; why there was no parliamentary commission responsible for children's rights; why a person could not obtain an identity card before the age of 16 when the age of legal majority was set at 15; from what age a child could consult a doctor without parental consent and testify in court; whether children had the right to express their opinions within the family; and how registration of births was ensured in remote areas.

16. Paragraph 13 of the report stated that the foetus had legally recognized rights. What were those rights?

17. It was stated in paragraph 23 of the report that children could establish their own associations. It would be interesting to know whether any such associations had been formed and how they functioned.

18. Referring to the employment of minors, he asked whether the State party planned to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and which organs were responsible for enforcing the constitutional and legislative provisions on child labour. In that regard, it was surprising that, under Labour Act No. 25 of 1997, a person employing minors in unlawful conditions was not required to pay them the agreed salary or to compensate them for physical injury and that, under that same Act, a young worker could work up to 48 hours per week. In paragraph 40 it was stated that the Ministry of Labour and Vocational Training was to organize, in collaboration with ILO, UNICEF and WHO, a country seminar on measures to curb child labour in the country in Sana'a in October 1998. The Yemeni delegation might wish to report on the results of that seminar.

19. On the subject of children whose mother was married to a person other than their father, the Personal Status Act provided for custody of the child to be entrusted to the mother until the child was 9 years of age (in the case of boys) or 12 years of age (in the case of girls). That law stipulated that immoral conduct did not preclude the mother's right to custody until the child reached the age of 5 years. It was questionable whether it was in the best interests of the child to remain with his or her mother for five years when she was guilty of immoral conduct.

20. Lastly, he wished to know the Yemeni Government's refugee policy.

21. Ms. KARP asked what measures were being taken to provide accessible health services and education for children in remote areas; whether the Government cooperated with community leaders and religious dignitaries with a view to changing negative attitudes to children and ensuring that the rights contained in the Convention were respected, be it in the family, at school, in the courts or in the public service, and whether remedies were available in cases of abuse.

22. Paragraph 18 of the report stated that under the Personal Status Act, in the case of illegitimate children, neither the name of the father nor that of the mother might be mentioned in the register if the parents were within the prohibited degrees of kinship which excluded marriage. That provision violated article 7 of the Convention, whereby the child must be registered immediately after birth and had the right from birth to a name and, as far as possible, the right to know his or her parents.

23. Mrs. GHALIB FAREE AL-SAKAH (Yemen) said she welcomed the Committee members' encouraging remarks on Yemen's situation, but wished to refer to a number of comments which were unjustified in that they were not based on an objective analysis of the facts. One such point was the difference in access to schools in rural and urban areas, which was caused by purely geographical constraints. Yemen was a country of great contrasts; schools in mountainous

areas did not enjoy the same resources as schools in the plains, which were easily accessible. Despite those difficulties, she stressed that 38 per cent of girls currently attended school, representing a great step forward from the preceding decades. The spirit in which education was dispensed had also developed and children were now entitled to express their opinions in school. The persisting discrimination between boys and girls was based on social traditions deeply rooted in Yemeni society, and attitudes would be slow to change. However, Yemen's situation was patently better than that of its Arab neighbours, because it now had a democratic parliamentary regime which had been conducting a resolutely progressive policy for four years, despite border problems and problems of immigration, notably from African countries.

24. Mr. ABDULLAH (Yemen) said he was pleased to have a second opportunity to engage in dialogue with the members of the Committee and that his delegation had been greatly encouraged by the frank discussion it had had with the Committee in January 1996. As soon as the delegation had returned to Yemen, the authorities had established contacts with international and national organizations and had held a meeting in April 1996 to study the Committee's recommendations. The Government had initiated a very wide-ranging debate on children's issues, with the participation of all the ministries, the national organizations and many eminent persons in juridical, educational and social circles. A programme of action had been defined for each of the Committee's recommendations and had specified the tasks of the national organizations, governmental authorities and all civil-service departments. Foreign NGOs, such as the Swedish organization Rädda Barnen, had been involved in the process. The task was therefore well under way but, as always, far-reaching reforms would be a protracted process. In September 1998, a symposium on children's rights had been organized by the Yemeni Government, in collaboration with the League of Arab States. It had been attended by 18 country delegations, as well as the UNICEF Regional Office and the International Labour Organization among others. The Sana'a Declaration on the Rights of the Child had been adopted and a work programme to the year 2006 defined, including a recommendation to publish, translate into Arabic and implement the Convention. A large proportion of girls were already exempt from school fees, which attested to the authorities' resolve to promote education for girls, especially in rural areas. Over the previous three years, the Convention had aroused remarkable interest among the population and some 40 national organizations were endeavouring to improve the situation of mothers and children. The Government neither objected to, nor restricted, cooperation with all bodies eager to protect children in Yemen. The NGOs were also involved in disseminating the Convention, and entire pages in the newspapers were devoted to child-related issues. Efforts were being made to disseminate the Convention and alert public opinion to children's rights through training courses, short plays and television broadcasts.

25. Statistics - dating back to 1994 - did exist on children and were disaggregated by age, sex and region. A Yemeni Council for Maternal and Child Welfare, soon to be placed under the Office of the Prime Minister, had been set up and charged with coordinating the activities of the governmental and non-governmental sectors. In addition, a governmental decree provided for the enactment of a special law on children, based on the developed countries' legislation in that domain. A large-scale meeting on children was to be held in March. Lastly, a great many legislative provisions had been revised with a

view to bringing them into line with the Convention. Those provisions, like the Constitution, in no way discriminated among the various groups of children but, as in all underdeveloped countries, it was at the enforcement level that discriminatory practices could occur. The Government was doing its utmost to eliminate them.

26. In 1996, the Government had launched a vast programme of social, health and educational reform, in which children occupied a central place. As a result, 14 per cent of the total national budget was now devoted to school activities, infant mortality had dropped considerably, social assistance services had been created, and joint programmes had been established by the Ministry of Social Affairs and Labour and UNICEF, among others. There were also special schools for children with disabilities. There were now over 1,000 NGOs country-wide, and non-governmental sector participation in social, educational and health programmes was encouraged.

27. Mr. ASSANBANI (Yemen) stressed the fact that in their legislative work, Yemeni legislators referred to regional Arab laws and international conventions. Everyone was aware that laws were prepared in stages: a bill submitted to the Ministry, its adoption by Parliament followed by its presentation to the President of the Republic, which explained the relatively slow pace at which the country enacted new legislation.

28. Referring to the remarks concerning the legal age in Yemen, he said that it was set at 15 years for a number of rights (inheritance, property management and bequests), but that the age of criminal liability was set, by article 31 of the Penal Code, at 18 years. Under article 36 of the Juveniles Act, children found guilty of a crime covered by the Penal Code could incur a reprimand or censure by the court or be placed in the custody of a parent or legal guardian or in a social welfare establishment or specialized hospital where they would receive the care required by their condition. A minor could never be condemned to death, the maximum sentence being 10 years' imprisonment. A special affairs commission had been set up in Parliament and specifically entrusted with the task of studying all bills relating to children.

29. Mrs. GHALIB FAREE AL-SAKAH (Yemen) acknowledged that Yemen's second periodic report did have some shortcomings. There were, in fact, plans for an expert to visit Yemen and help prepare its next report. However, it should be noted that the authors had done their utmost to portray the reality and present the Yemeni Government's achievements in a critical but objective light, as a sign of its interest in children. Yemen had only emerged from the Middle Ages 30 years before; it was not an oil-producing country and its only resources came from traditional agriculture. In the 1960s, the country had had only a dozen or so primary and secondary schools. Today, there were 12,000 primary schools, 10,000 secondary schools and 15 universities. It had a Parliament, and elections were free. In other words, Yemen was taking its first steps towards a modern society. It also adopted political positions that displeased its neighbours' traditional Governments. The very fact of its presenting reports to the Human Rights Committee and the Committee on the Rights of the Child constituted a veritable revolution in the society and in the region, something that ought to be remembered.

30. On the subject of discrimination against women, she said that, having herself made a comparative study between the situation of women in Yemeni society and those in Western and other Arab societies, she had observed that, while Yemeni women still had a traditional image, they were no more discriminated against than in other societies. Gender stereotyping was a worldwide phenomenon. As for the differences between urban and rural areas, it was worth noting that Yemen had four different types of terrain: very high mountains, plains, coastal areas and desert. Developed services existed only in the centre of the country, because access to the other regions was difficult. Moreover, the loss of the revenue that had been repatriated by more than 1.5 million Yemenis working in the countries of the region during the Gulf War had dealt a terrible blow to the economy. It was in that light that the report should be considered, not by comparing Yemen's situation with that of other countries.

31. It was wrong to say that certain provisions of the Convention had not been taken into consideration. The Convention could not conflict with the legislation of countries that were aspiring to democracy and the exercise of human rights. It was therefore one of the instruments that could be invoked in court.

32. The Yemeni Council for Maternal and Child Welfare had been created on the Government's initiative, but its funding and future depended largely on the support of the international community and of NGOs working in synergy with the State. Where international cooperation was concerned, four anti-poverty projects, funded by the World Bank, had been launched.

33. Regarding the remarks on the age of majority, it should be pointed out that Yemeni children were entitled to hold a passport from the second day following their birth. While they could work from the age of 15, they could not engage in onerous activity or any activity that interfered with their schooling. The age of conscription was 18. The age of marriage was set by law at 18, but individual waivers could be granted.

34. One Committee member had remarked on the fact that three years had elapsed since the submission of the initial report. That was not very long considering that five years were needed to implement an economic plan.

35. With regard to the entry of a child's name on the birth certificate, a child born out of wedlock was not usually turned over to adoptive parents by the mother and when that did occur she requested that her name should not be divulged. Children born out of wedlock sometimes found themselves in the street without knowing their mother. Those social aspects of the question needed to be borne in mind and could not be imputed to the State. When the mother handed over her child to an association, she was required to state her name.

36. The influx of refugees from the Horn of Africa had been disastrous for Yemen, but its observance of the international conventions obliged it to take them in and camps and schools had been opened close to the towns, where refugee children received humane and individual treatment.

37. With regard to child labour, she said that she herself had been involved in drafting a report on the subject. In Yemeni society, 98 per cent of working children were engaged in agricultural work within their families. A very few were employed in the towns cleaning cars or in construction, for instance, but always in a family setting. Those children's school attendance was respected and orphans or poor children were protected by laws which every employer was required to observe. Labour Act No. 5, mentioned in paragraph 48 of the report, was currently being revised, as were other legislative texts criticized in that report. Efforts were being made to impose a total ban on the employment of children under 15. A monitoring committee attached to the Council of Ministers had been set up to deal with the matter.

38. Mr. ABDULLAH (Yemen) assured the Committee that the recommendations formulated following examination of the initial report had been taken into account and pointed out that a seminar attended by representatives of the authorities concerned had been held to evaluate their implementation in the course of 1999. The population census that had taken place in 1994 had produced data on children, disaggregated by age and geographical area, and on the number and various categories of children with disabilities. After a faltering beginning, the Yemeni Council for Maternal and Child Welfare had finally been allocated a sizeable budget by the Government. Sections had been set up within the various departments, and UNICEF, which had been asked to evaluate their work, had dispatched an expert to propose training programmes. A maternal and child cooperation programme involving UNICEF, UNIDO and Yemen had now been set up. Under that programme, the Council's structures received support in the fields of education and health care. There were also plans to combine in a single instrument all laws relating to the welfare of the child. The provisions of the Convention, as well as the Committee's recommendations, would be reflected therein and the unified text was expected to be enacted by the end of the first half of 1999. A social assistance fund provided aid to the most indigent population groups - women, divorcees, women whose husbands were in prison, the disabled and orphans. In 1990, the fund had possessed a capital of over 5 billion rials. At present, over 30 million rials were paid monthly by the Government for orphans alone. Several other social foundations looked after children, and various activities on their behalf were conducted in the fields of education, health and social welfare.

39. With respect to the dissemination of the Convention, joint activities were being conducted by local organizations and the Government to train institutions and specialists concerned with children's rights (computer experts, writers, lawyers and others). The programme was being carried out with UNICEF support with a view to initiating and training representatives of other social groupings, such as the imams, in the rights of the child.

40. As shown in the report, the best interests of the child were taken into account in all texts concerning education, civil status and minors. Conversely, discrimination between girls and boys was not dealt with in the legislation. Certain social conditions brought a degree of discrimination in their wake and attempts were being made to effectively enforce the law in that regard.

41. Mrs. GHALIB FAREE AL-SAKAH (Yemen) pointed out that corporal punishment was prohibited in schools. As for demographic statistics, Yemen conducted a

census every five years. The most recent had been in 1994, but maternal and child health was periodically monitored and censuses of poor and working children taken. The next census would take place in 1999 and all the Committee's observations would be taken into consideration, by agreement with the Council of Ministers, especially with regard to children, who were subject to various forms of exploitation and suffered the most. That being said, there was no lack of indicators for social researchers to consult.

42. Public institutions and NGOs were collaborating in the implementation of a programme for training workers in the rights of the child through seminars and workshops. Some academics were proposing to organize a conference with a view to including the concept of democracy and children's rights in school and teacher-training curricula.

43. The "akhdam" children belonged to a social category of so-called "servants" whose status was comparable to that of the Roma in Europe. In fact, nothing prevented that category of children from attending school, but their parents preferred to steer them towards begging. All children born out of wedlock were not abandoned, but were taken in by certain families. Children working on the streets were entitled to a certain treatment under the law. With regard to children's participation in decision-making, matters were evolving favourably, but acceptance of the idea would take time. However, one should not despair, because family planning had been included in syllabuses, something inconceivable in the early 1990s.

The meeting rose at 1 p.m.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Yemen (continued) (CRC/C/70/Add.1; CRC/C/Q/YEM/2)

1. At the invitation of the Chairperson, the members of the delegation of Yemen took places at the Committee table.

2. Mrs. SARDENBERG said that she had difficulty in understanding recent developments in the State party because of the way the report was written. The purpose of considering reports was not confrontation but clarification. Yemen was a developing country with a difficult economic situation, but the Convention nonetheless constituted a commitment undertaken by each of its State parties. She commended the work of the Council for Maternal and Child Welfare and called on the Government to pursue efforts to give it visibility; with enough resources, the Council could take the lead in promoting actions to implement the Convention.

3. The situation of the girl child was difficult in many countries, but it sometimes happened that national circumstances compounded the discrimination against girls. If they were orphans, no institutions existed for them; if they were in detention, they were not separated from women; if they lived in rural areas, they were poor and became servants, and then were locked up without any freedom. The fact that there were fewer girls with disabilities than boys very possibly meant that their mortality rates were higher. Girl returnees from the Gulf War had other prejudices to face, while girls from the "akhdam" group were treated in a discriminatory fashion. More support should be given to Yemeni girls, with the help of the international community.

4. The teaching of human rights, and especially the Convention, in the schools was also important, as was the improvement of data-collection methods as a first step towards formulating a global policy for children. She liked the idea of having one comprehensive law covering all the matters pertaining to children. The 1994 census had provided information on children's situation in society, but it was unclear whether the Government had since done any work with those data, such as setting up programme areas and priorities. Had any progress been made in mainstreaming children with disabilities into the school system?

5. The CHAIRPERSON invited the delegation to reply to paragraphs 13 to 28 of the list of issues.

6. Mrs. FAREE AL-FAKIH (Yemen) said that her Government had taken extensive action to combat illiteracy among parents and promote their participation in the educational process. Tangible progress had been made in reducing child mortality rates and substantial resources had been devoted to improving the health of mothers and children through the promotion of immunization, which covered some 50,000 children. Malnutrition and related problems affected elderly people as well as children. In the context of structural adjustment, with the return of workers from abroad there had been a very high level of unemployment, putting many families in a difficult financial situation.

An anti-poverty campaign had been launched to assist the worst-off families, in which the breadwinners had lost all sources of income, and attempts were made to help them find work.

7. No significant progress had been made in respect of adolescent health. Teenage pregnancies were generally rejected by Yemeni society, on religious grounds, but a campaign was under way to make people aware of the problems of pregnant teenagers, whether married or not, and the legal age of marriage had been set at 21 years. There had also been an attempt to achieve some positive impact through educational programmes.

8. There were problems with AIDS and other health issues, and the Government was trying to improve the situation in hospitals and medical centres, targeting those under 18 in particular, and to promote family planning, provide information and organize campaigns against harmful traditional practices. While Yemen was close to the Horn of Africa, where such practices were widespread, they were not common in Yemen itself. Her Government had tried to sensitize people to the subject, but no legal steps were being taken because the problem was not a major one.

9. According to the 1990 census, some 10 per cent of the population was disabled. That represented a major problem for Yemen, especially as it had undergone a serious political crisis three years previously, involving a very large number of child victims. Her Government was currently developing policies to survey the situation of the disabled, implement specific programmes for children with disabilities and promote their integration into the schools. Beyond school age, special efforts were made to encourage employers to hire persons with disabilities.

10. Her Government had never received a copy of the World Bank study on street children, although other studies had been carried out by the United Nations Children's Fund (UNICEF) and a Swedish institute, and she was part of the team working with them; the Government had submitted a draft programme of action to combat the phenomenon. The "akhdam" were very specific to Yemen, and it had not been possible to persuade their children to attend school, as they preferred to live in the street and strongly resisted any attempts to integrate them into the social structure. The problem resembled that of the gypsies in Europe. Begging by children was particularly targeted for elimination.

11. In connection with the high drop-out rates from the school system and the low enrolment of girls in schools, steps were being taken to ensure that girls were able to attend school free of charge, and the Ministry of Education had tried to change school schedules in order to help them since Yemeni society was rural and depended on agriculture for its livelihood. In the Rub' al-Khali region to the east, where many Bedouins lived, an attempt was being made to find nomadic teachers for them. Her Government had also tried to set up associations to support education for girls and was represented on a United Nations Children's Fund (UNICEF) working group on the topic. UNICEF was also supporting the concept of itinerant schools, as well as her Government's efforts to establish such schools.

12. Expenditure on education had increased significantly over the previous two years, from 4 per cent of the national budget to 13 per cent. Attempts were being made to build new hospitals with international support. Action was also being taken to recycle human rights teaching programmes in the Ministry of Education and other government departments, in consultation with the Prime Minister's Office, which had decided that educational reforms should incorporate such concepts as human rights, the rights of the child and women's rights.

13. Child labour was considered part of family labour but there was a law on the employment of children, with a number of provisions banning any form of exploitation of the child. That law also banned the employment of children under 15 years of age, whether or not they were paid, and prescribed penalties for violations. However, it was undoubtedly true that practice was not always in keeping with the law.

14. Mr. ABDULLAH (Yemen) said that his Government was working to provide the necessary care to children deprived of a family, based on the principles and provisions of the Shari'a, which stipulated that a child must be protected and taken care of. The matter was covered by the legislation on civil status. There was, however, no legislation on illegitimate children and foundlings, and attempts were being made to draft laws that would cover those categories. Under article 135, chapter 4, of the Personal Status Act, paternity could not be granted through adoption, and his Government was looking at that provision closely. The documents of illegitimate children and children of unknown parentage living in institutions for social protection did not mention that they were illegitimate or of unknown paternity, so as to respect their dignity and identity later in life.

15. In cases of exploitation or negligence involving children, the Government made sure that physical and psychological care were provided. Children were placed in institutions specialized in their protection; research was ongoing into the reasons for the exploitation and programmes were being devised to deal with it. In accordance with the Penal Code, children were placed in institutions if it was quite clear that, at the time of the commission of an offence, they had been suffering from a mental disorder. Institutions reported on the development of each child as well as on care at all levels and, whenever necessary, children were institutionalized so that they could receive the proper physical and mental care.

16. No research had been undertaken on the sexual exploitation and sexual abuse of children; his Government would welcome the cooperation of international institutions to study the situation with a view to finding remedies. Although it had not participated in the World Congress against Commercial Sexual Exploitation of Children, it would give favourable consideration to any recommendation that would help to combat sexual abuse and exploitation and ensure respect for a child's right to dignity and a decent life.

17. Mr. ABDELMATTAN (Yemen) said that his Government would try to introduce the subject of the protection of the rights of asylum-seeking and refugee children into draft legislation. Children deprived of their liberty were not prevented from maintaining contact with their families. Family members could

visit children in detention institutions on a daily basis, between 8 a.m. and 5 p.m., and could also be present during interrogations. Both the Government and other bodies monitored the conditions in detention institutions.

18. Adequate complaint procedures existed and there were guarantees to ensure the periodic review of placement. Thus article 28 of the Juveniles Act provided that a judge of the Juvenile Court had to visit all detention institutions for minors once every three months.

19. Under article 32 of the Act, the Court, could after reviewing a complaint, order the closure of an institution or a change in the detention system. Under article 14, complaints of any corporal punishment could be filed by the child, his or her guardian or the Attorney-General, and would result in the prosecution and, where appropriate, punishment of the perpetrator.

20. With regard to the detention of a child as a measure of last resort, the law stipulated the manner of the arrest and detention and the possible places of detention. Under article 11 of the Act, a minor could not be interrogated in a police station. Wherever possible, the interrogation had to take place in a minors' institution. Article 12 stipulated that a child could be detained only in a special establishment and must not come into contact with adult prisoners. Children under 10 could not be punished, but were returned to their parents, given vocational training in a special institution or treated in a specialized hospital, never for longer than three years, and with ongoing monitoring by the Court.

21. Mr. ABDULLAH (Yemen) said that assistance from the international organizations was urgently needed, particularly with regard to the social aspects of the Convention. Yemen possessed six detention centres for minors but international technical and other assistance was needed to improve them; international assistance was also needed to streamline the legislation on disability, to publicize the Convention and to expand the integrated plan for the development of the children - which had been devised by local experts - into a global national plan.

22. The International Labour Organization (ILO) had provided assistance on child labour policy and had helped define a child labour strategy. A governmental committee had been set up to monitor its implementation, an area in which international technical assistance was sorely needed. A new project for assistance to mothers and children was to be implemented after an agreement between his Government, the World Bank and UNICEF had been signed.

23. Additional international assistance to address the refugee problem was also urgently required. Despite its own considerable economic hardships, Yemen was the only State in the area to welcome refugees from the Horn of Africa, and, while the Office of the United Nations High Commissioner for Refugees (UNHCR) did provide services, it should modify its procedures for dealing with refugees in Yemen. For example, it should be able to solicit local support from Yemeni entrepreneurs for some activities, thus obviating the need to rely solely on foreign institutions or companies.

24. Attempts were being made to amend the 1995 law on the right to work, particularly as it related to child labour. As an intermediate step, a document had been drafted in order to fill some of the lacunae, particularly with regard to employers who violated the child labour laws. No special provisions had yet been defined for delinquent girls, but construction of establishments for housing them had recently begun in Aden and Sana'a. His Government was also implementing a programme, through its Social Fund, to improve the situation of female prisoners.

25. The problem of beggars posed a serious dilemma which was being addressed under his Government's programme to reduce the alarmingly high poverty rate, which the restructuring programme had probably served to increase. It hoped to benefit from Syria's experience of combined action by the Government and local organizations.

26. Mr. FULCI said he was concerned that four fifths of the existing health centres were non-operational, so that under 30 per cent of the population received medical care in a country in which 70 per cent of the population consisted of mothers and children. While congratulating the Yemeni authorities on the reduction of the diarrhoea mortality rate through increased use of oral rehydration therapy (ORT), he sought clarification of a discrepancy between the second periodic report which stated the objective of increasing ORT use from 30 per cent to 80 per cent, and the UNICEF country report which already put the rate of ORT use at 92 per cent in 1998. He wished to know the outcome of the national seminar on child labour held at Sana'a in 1998 and whether the Government was considering acceding to ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

27. Mrs. KARP stressed that the Convention covered the rights of every individual child and that it was necessary to guard against not only discrimination in legislation and the articles of the Constitution but also de facto discrimination occasioned by disparities in priority setting and budget allocations between rural and urban areas. Despite Yemen's evident progress over the past 30 years, the high illiteracy rate and the low school enrolment of girls in rural areas showed that the Government must give urgent consideration to the matter of equitable access to education.

28. The delegation's reply to her question concerning changing attitudes had touched on educational measures, especially parental education. What she wished to know, however, was the extent to which community leaders and religious leaders were involved in disseminating the new ideas contained in the Convention. Indeed, how were the Yemeni authorities endeavouring to overcome the obstacles posed by taboo subjects such as reproductive health education, teenage pregnancies and HIV/AIDS?

29. With regard to abuse within the family, including incest, she applauded the Government's call for studies and the more realistic attitude it had developed since the presentation of its initial report when it had virtually denied the existence of such problems. While studies were commendable, more direct action was needed in a society in which only a small percentage of girls attended school. Had Yemen considered making it obligatory to notify

suspected child abuse? In a society where it was virtually impossible to penetrate the family, had it developed the trained manpower to tend victims, especially in cases of incest?

30. Applauding the Government's acknowledgement of the need for international assistance to improve the juvenile justice system, she considered that the death penalty was an appalling institution even in clear-cut cases. She urged the delegation, therefore, to do its utmost to save the life of Muhammad Hussein Ali al-Zandani, who was currently awaiting execution in Yemen. His current age was disputed - the police maintaining that he was 22, the prosecution that he was 19, and his family that he was 17 - but all agreed that he had been under 18 when the crime had been committed.

31. She was concerned that begging was associated with the notion of potential delinquency for which children could be deprived of their liberty, regardless of the circumstances. She urged the Government to use other care structures to address the problem and to cease to stigmatize children for an action that might well be beyond their control. The same was true of the age of criminal liability. Any child under 15 should be dealt with through the welfare system rather than the criminal one. She wondered why it was the prosecutor, rather than the court, that decided how long a child over 12 could be detained.

32. Mrs. MBOI reminded the delegation that, in its concluding observations on Yemen's initial report, the Committee had placed special emphasis on enhancing the role of the family and promoting children's rights, in which connection it had stressed the importance of the status of women. The reporting process, which was intended to highlight the successes achieved and the problems encountered in a State party's implementation of the Committee's recommendations, was a continuous one designed to improve the situation of children and the enjoyment of their rights.

33. With regard to sexual abuse, ill-treatment and domestic violence, the report provided a detailed explanation of the laws and the punishment meted out to offenders. She wished to know, however, what services existed for the psychological recovery and social reintegration of abused children and what remedial treatment was provided for abusers.

34. Yemen had made great strides in basic health and welfare, as shown by the social and health indicators. There was a serious danger, however, that the economic and social problems it was encountering could increase mother and child morbidity and mortality rates. She congratulated the Government on its National Population Strategy and five-year Plan of Action, but would like to know whether a mid-term review had been conducted in 1998 and what implementation problems had been encountered.

35. She noted that, although the adolescent fertility rate had dropped, it was still one of the highest in the region. With the modernization of Yemeni society and its changing attitudes and values, it was more vulnerable to certain problems such as mental disorders, suicide, abortion, STDs and HIV/AIDS, on all of which the report was virtually silent.

36. Mrs. OUEDRAOGO said that the term "illegitimate" used with reference to children born out of wedlock or from other relationships that were not sanctioned by the law, should be replaced by another not having negative connotations which were contrary to the spirit of the Convention. In connection with the question of abortion and miscarriage, she requested fuller information on the reference in the report (para. 11) to the payment of blood money. With regard to the statutory requirement that all mothers should breastfeed their infants or, where that was not possible, should employ a wet nurse, she asked whether prior medical tests were conducted in order to protect infants from the potential transmission of disease.

37. Given the prevailing economic circumstances in Yemen and the fact that 40 per cent of the population lived in poverty, she wished to know to what extent it was possible to pay the benefits provided for in social security regulations. Research had shown that, contrary to the statement in the report (para. 138 (d)), the practice of female circumcision continued in certain parts of the country, perhaps among the immigrant population, and appropriate steps should be taken to eliminate it. It was not clear whether any programmes existed to provide psychological treatment for children who had been traumatized by war.

38. With regard to the educational system, an obvious problem lay in the fact that, although schooling was obligatory between 6 and 15 years of age, 40 per cent of all children either dropped out or never attended. Since children had a right to education, which was essential to ensure their development, research should be carried out to identify the reasons for the low attendance; if children were working when they should be at school, further rights were also being violated.

39. She wished to know whether the project financed by the World Bank had been successful and how pupils participated in decisions that affected them, for instance in discussions with the Ministry of Education. Were the views of children taken into account in the education system in general? How was the right to leisure ensured; were sports facilities available for instance? Did any special provisions exist for children with learning difficulties? Was there a special programme to inform children about such subjects as landmines, environmental issues or sexually-transmitted diseases?

40. Mrs. MOKHUANE said that, while the delegation had stated that national legislation in respect of persons with disabilities was compatible with the Convention; she would like to know what goals had been established in their regard and what strategies had been employed to change attitudes, particularly concerning disabled children. The report revealed that women and girl children were subject to exclusion and, consequently, in the light of the provisions of article 23 of the Convention, there was a need for information concerning the manner in which participation by disabled girls was promoted and monitored, particularly in the case of those with mental disabilities. Given the importance of participation in raising morale and self-esteem, she would like further information on measures to enhance the active participation of women in society and in the home. How was children's participation ensured at school, particularly in the formulation of policy?

41. Mr. RABAH, having reminded the delegation that he had still received no replies to his earlier questions regarding the definition of children, the age of military service, the provision of medical treatment without parental consent, the appearance of children in court to give evidence and birth registration, asked what steps had been taken to monitor and protect the physical and mental health of young adolescents in employment, whether the Government intend to establish a facility for young female offenders, along the lines of those for young male offenders, how young offenders were rehabilitated, whether legal aid was available for minors in court and whether minors who had acted as members of a gang of adults were tried separately. To what extent had the objectives, laid down in paragraph 97 of the report, for the Council for Maternal and Child Welfare been achieved? If disabled children could not be accommodated in specialized establishments, how were they integrated in normal schools?

42. Mrs. KARP said that she failed to understand why, as stated in the report (para. 91 (d)), there was a disparity in the age of protection against sexual abuse, which was 15 years of age in the case of girls and 12 for boys.

The meeting was suspended at 4.45 p.m. and resumed at 5.10 p.m.

43. Mrs. FAREE AL-FAKIH (Yemen) said that, by acceding to the Convention and submitting reports to the Committee, Yemen had signalled the advent of a new era of progress and development. It was unfortunate that several misunderstandings had arisen as a result of inadequacies in the English translation of the second periodic report. She hoped that her delegation's meeting with the Committee would lend new impetus to the implementation of the Convention's extremely important principles, to the extent permitted by national resources. She undertook to forward to the Committee additional information on new developments in the education sector.

44. With respect to child labour, her Government supported the 1998 ILO draft convention regarding the worst forms of child labour. In response to the concerns raised by Mrs. Karp, she said that, despite the difficulties posed by Yemen's mountain and desert terrain, her Government was doing its utmost to offer the standards of health care provided for in the international instruments. Likewise, endeavours were being made to ensure that education, including education for girl children, was available throughout the country, for which purpose distance learning facilities had been introduced in some remote areas. Other health and educational services were offered by travelling teams of doctors, midwives, teachers and nurses, and by travelling hospitals and schools.

45. Her Government was fully committed to implementing the rights embodied in the Convention, in keeping with the country's traditions and culture. The right to freedom of expression embodied in article 13 was being promoted through awareness-raising campaigns in families and literacy campaigns for parents. Where the age of sexual consent was concerned, the prevailing belief of the Yemenis was that sexual activity should be restricted to couples who were legally married. The minimum age of marriage had been raised to 21 years, thereby reducing the number of early marriages and pregnancies.

46. On the subject of paragraph 15 of the list of issues, it was generally agreed that rapists should be punished, but the crime was a rare one in Yemen. It was important for the psychological rehabilitation of a rape victim that the situation should not be dramatized during treatment.

47. AIDS was less common in Yemen than in Africa; it was, in fact, refugees from Ethiopia and other African countries who had brought the disease to Yemen. It was an example of the fact that, when a country moved rapidly from a primitive society to a modern one, many new problems emerged to which solutions had to be found. Her Government was conducting media campaigns to educate the public about the AIDS epidemic.

48. The term "illegitimate" in the report was a mistranslation of the Arabic word. Her Government, which was concerned with the integrity and best interests of the child, had not used the term. The question of abortion was not clearly rendered either. Any person who carried out an abortion was considered to be an accomplice to a murder and was so dealt with under the law.

49. Her Government strongly encouraged breastfeeding. A mother who could not or would not breastfeed her child was urged to find a relative or nurse who could. Studies had shown that the reasons for the high school drop-out rate were mostly economic; children left school to help support their families, especially in the case of an absent father. Other such children were essentially loafers. Efforts had been made to counsel parents and to encourage them to participate in programmes designed to improve the lives of their children; in that regard, Yemen was learning from other societies.

50. Efforts had been made to change attitudes toward children and to promote their participation in social and political life. Neither the Yemeni Constitution nor domestic law contained provisions that ran counter to the provisions of the Convention or caused the social exclusion of children. While it was true that some Arab societies perpetuated traditional views of the role of women, the statistics showed that Yemen was not among them. A university had been named after a woman; there were women judges, doctors and teachers. Women participated in civil life to the extent that they were able; the impossible must not, however, be expected. The report had, perhaps, failed to describe that situation as clearly as might have been desired.

51. A person under the age of 18 who committed a murder could not be sentenced to death, even if he was over 18 at the time of his trial. The sentence was imprisonment for a period of from 3 to 10 years. A child beggar was never punished; it was the person who compelled him to beg who merited punishment. Only persons over the age of 18 could serve in the armed forces. A child under the age of 18 could appear before the court to give evidence concerning an offence committed against him. As to whether boys were protected from rape, the law, which provided seven years' imprisonment for rape, made no distinction between the sexes. Adolescents were tried in the Juvenile Court, and imprisoned in special juvenile institutions.

52. She assured the Committee that her Government would review the report and its translation and would forward its observations to the Committee. It had specifically avoided the use of certain expressions in order to prevent misinterpretations.

53. The CHAIRPERSON invited the members of the Committee to offer any preliminary observations on the second periodic report of Yemen.

54. Mrs. SARDENBERG said that she was pleased to learn that the Government of Yemen believed that its dialogue with the Committee had brought about transformations in society; she hoped that those reforms would lead to de facto implementation of the Convention. If the political will existed, attitudes could indeed be altered. Since Yemen was making a rapid transition from a primitive to a modern society, its problems were complex. She encouraged the Government to seek to achieve a profound understanding of the meaning of the Convention, in the absence of which it would be impossible to teach its principles and provisions to the population.

55. More specifically, she urged the Government to take additional steps to collect and analyse data; to cooperate closely with NGOs and to define clearly the sphere of cooperation; to apply a child rights perspective to health and education; to take steps to empower the family; and to explore innovative approaches to working with communities. More attention must be paid to the development of special measures to protect children against domestic violence, sexual abuse, and corporal punishment. Conditions in juvenile detention institutions and in prisons where children were incarcerated with their mothers must be monitored. Lastly, the Government should establish a set of priorities in its efforts to implement the terms of the Convention.

56. The CHAIRPERSON thanked the delegation for its efforts to describe to the Committee the situation of children in Yemen. She asked the Government to prepare its third periodic report in conformity with the Committee's guidelines and to make use of the Committee's concluding observations in so doing. The concluding observations to the second periodic report were likely to bear a close resemblance to those to the initial report; possibly too little time had elapsed between the reports to allow the Government to act on the Committee's recommendations, and in particular to review and reform legislation.

57. Although the Government had referred to the Higher Council for Maternal and Child Welfare, for instance, there was insufficient information to enable the Committee to assess that body's programmes. In addition, it was difficult to determine whether an adequate portion of the national budget had been allocated for the needs of children. Insufficient attention had been paid to girl children and to the children of minority groups. The matter of the definition of the child begged for attention: the terms majority, maturity, and the age of discretion all needed clarification.

58. Moreover, the general principles embodied in the Convention had not been incorporated into programmes and projects. The matter of civil rights and freedoms demanded scrutiny: it was unclear, for instance, whether a child had the right to association or whether a child was considered to be a citizen.

The right to privacy had not been discussed; sources suggested that that too was an issue that should be explored. Both basic health and welfare and special protection measures needed attention.

59. It was unclear whether a child's right to due process was adequately protected under the juvenile justice system: it would appear that a delay in bringing cases to trial sometimes meant that children were held in custody in violation of their rights. Girls were incarcerated with adults, and therefore insufficiently protected. Furthermore, incest and sexual abuse within the family should be reviewed.

60. The Government of Yemen had conceded that all those concerns needed to be addressed and she was sure that it had the interests of its children at heart and that it would continue to be committed to the betterment of children in society.

61. Mr. ABDULLAH (Yemen) thanked the members of the Committee for their detailed comments and questions and assured them that his Government would seek technical assistance in the preparation of its next report. In addition, it would continue to review its domestic legislation to bring it into full conformity with the provisions of the Convention and to resolve any inconsistencies or contradictions that might exist. It would also continue to work with NGOs in an effort to overcome inequities. Yemen was, however, emerging from centuries of darkness, and must confront economic obstacles that impeded progress. Although his Government would endeavour to overcome those difficulties and to better the lot of its children, it would require the assistance and support of international organizations to do so.

The meeting rose at 5.55 p.m.